

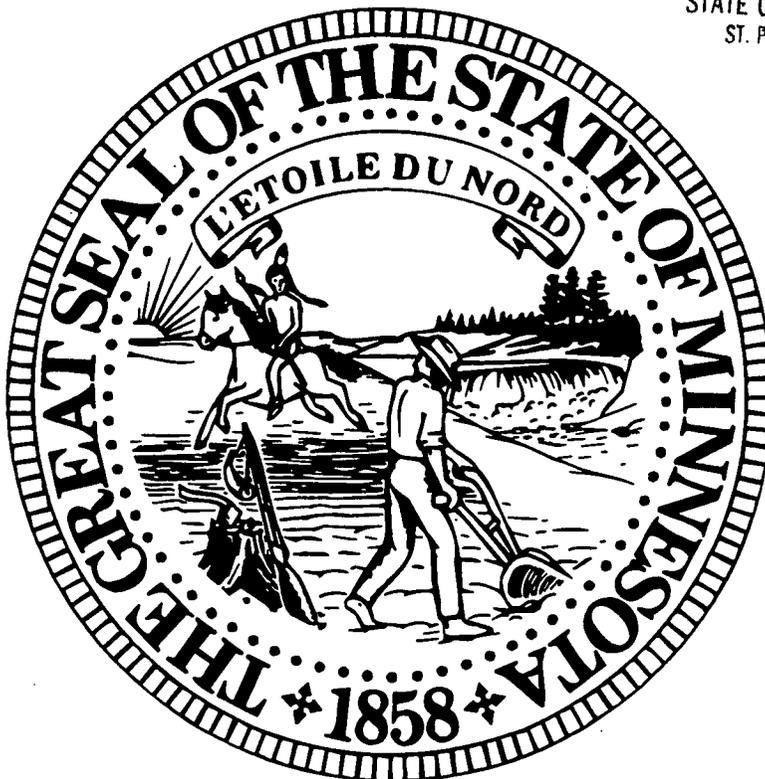
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The Minnesota  
**State Register**

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**Rules and Official Notices Edition**

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# State Register

## Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

A *Contracts Supplement* is published Tuesday, Wednesday and Friday and contains bids and proposals for commodities, including printing bids.

### Printing Schedule and Submission Deadlines

Vol. 20 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
# 17	Monday 23 October	Monday 9 October	Monday 16 October
# 18	Monday 30 October	Monday 16 October	Monday 23 October
# 19	Monday 6 November	Monday 23 October	Monday 30 October
# 20	Monday 13 November	Monday 30 October	Monday 6 November

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*Perspectives*—Publication about the Senate.

*Session Review*—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office (612) 296-0504  
Room 231 State Capitol, St. Paul, MN 55155

#### HOUSE

*Session Weekly*—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions.

*This Week*—weekly interim bulletin of the House.

*Session Summary*—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

Contact: House Information Office (612) 296-2146  
Room 175 State Office Building, St. Paul, MN 55155

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Individual awards can be obtained from the  
**Materials Management Helpline** 612/296-2600.

# Minnesota Rules: Amendments and Additions

## NOTICE: How to Follow State Agency Rulemaking in the *State Register*

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-657-3757.

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## Proposed Rules

Pursuant to Minn. Stat. §14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

## Board of Animal Health

### Proposed Permanent Rules Relating to Animal Carcasses

#### Notice of Intent to Adopt a Rule Without a Public Hearing

**NOTICE IS HEREBY GIVEN** that the Minnesota Board of Animal Health intends to amend the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22-14.28. The statutory authority to amend this rule is *Minnesota Statutes*, sections 35.03 and 35.82 Subd. 2a.

Comments or written requests for a public hearing must be submitted within 30 days to: Keith A.J. Friendshuh, DVM, Minnesota Board of Animal Health, Room 119, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-2942, ext. 18, Fax: (612) 296-7417.

You have until 4:30 P.M., November 22, 1995 to submit written comment in support of or in opposition to the proposed amendments or any subpart of the amendments. Comment is encouraged. Your comments should identify the portion of the proposed amendments addressed, the reason for the comment, and any change proposed. Your comments must be in writing and received by Keith A.J. Friendshuh, DVM by the due date.

In addition to submitting comments, you may also request that a public hearing be held on the amendments. Your request for a public hearing must be in writing and must be received by Keith A.J. Friendshuh, DVM by 4:30 P.M. on November 22, 1995. Your written request for a public hearing must be in writing and must be received by Keith A.J. Friendshuh, DVM by 4:30 P.M. on November 22, 1995. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed amendments which caused your request, the reason for the request, and any changes you want made to the proposed amendments. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. If a public hearing is required, the board will proceed according to *Minnesota Statutes*, sections 14.131-14.20.

The proposed amendments may be modified as a result of public comment. The modifications must be supported by data and views submitted to the board and may not result in a substantial change in the proposed amendments as attached and printed in the *State Register*. If the proposed amendments affect you in any way, you are encouraged to participate in the rulemaking process.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed amendments and identifies the data and information relied upon to support the proposed amendments has been prepared and is available upon request from Dr. Friendshuh.

The board has determined that this rule will have no significant negative impact on small businesses and will be beneficial to agricultural lands.

If no hearing is required, after the end of the comment period the board may adopt the amendments. The amendments and the required supporting documents will then be submitted to the Attorney General for review as to legality and form to the extent form

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## Proposed Rules

relates to legality. You may request notification of the date the amendments are submitted to the Attorney General or be notified of the Attorney General's decision on the amendments. If you wish to be so notified or wish to receive a copy of the adopted amendments, submit your written request to Dr. Friendshuh.

Dated: 4 October 1995

T.J. Hagerty, DVM  
Executive Secretary

### Rules as Proposed

#### 1719.0100 DEFINITIONS.

[For text of subs 1 to 3, see M.R.]

Subp. 4. **Carcass.** "Carcass" ~~shall mean~~ means the body or ~~any a part thereof of any a domestic animal or fowl that has died or has been killed otherwise than by being slaughtered for human or animal consumption. The term "Domestic animal" does not include any a species of domestic animal which in common practice is maintained in the home of the owner whether or not the particular domestic animal was so housed at any time prior to its death.~~

Subp. 5. **Collecting station.** "Collecting station" ~~shall mean~~ means an establishment maintained and operated by a rendering plant to which a permit for the transportation of carcasses has been issued; under permit where carcasses or discarded animal parts may be unloaded from trucks operating under permit, for temporary keeping. ~~Such carcasses shall be reloaded only in trucks operated by the same plant which maintains and operates the collecting station.~~

[For text of subp 6, see M.R.]

Subp. 6a. **Discarded animal parts.** "Discarded animal parts" means all or a part of animals, fish, or poultry that have been killed for human or animal consumption and not used for that purpose.

Subp. 6b. **Disposal by other methods.** "Disposal by other methods" means the disposal of carcasses or discarded animal parts by a board-approved method other than burning, burial, rendering, or processing into animal food.

[For text of subp 7, see M.R.]

Subp. 7a. **Fur farm.** "Fur farm" means a premises on which fox, ferrets, mink, and other animals are raised for the production of fur.

Subp. 8. [See repealer.]

Subp. 9. [See repealer.]

Subp. 9a. **Off-site pickup point.** "Off-site pickup point" means a location away from the building site where carcasses may be placed for pickup by a carcass disposal service.

[For text of subp 10, see M.R.]

Subp. 11. **Rendering.** "Rendering" ~~shall mean~~ means the processing of all or a part of carcasses, fish, or poultry, and parts thereof, including scraps, discarded animal parts, and grease, by cooking under steam pressure to produce inedible by-products. It shall include Rendering includes the skinning and dismembering of carcasses.

Subp. 12. **Rendering plant.** "Rendering plant" ~~shall mean~~ means an establishment where rendering is conducted and ~~shall include~~ includes:

A. the rooms or buildings where skinning and dismembering of carcasses is conducted;

B. the tanks in which carcasses are cooked;

C. the rooms or buildings used for storage of hides or tankage, or other products from such processing; and the adjacent area ~~utilized~~ used in the operation of collecting, hauling, skinning, dismembering, and cooking carcasses; and the packaging, storing, and loading the finished product of the rendering operation; and;

D. the area used for the disposal of waste material unsuitable for rendering; and

E. the liquid waste disposal facilities of ~~such~~ the plant.

Subp. 12a. **Toxic material.** "Toxic material" means a poisonous substance that killed an animal.

Subp. 13. **Truck.** "Truck" ~~shall mean and include all vehicles~~ means a vehicle or conveyance conveyance used for the transportation of carcasses ~~and fish or discarded animal parts including scraps, grease, or other renderable parts or by-products thereof.~~

#### 1719.0200 PERMITS.

Subpart 1. **Rendering plant.** A rendering plant permit may be issued by the board to the owner or operator of a rendering plant

upon submission of an application for a permit on a form furnished by the board. The board may issue a permit to owners or operators of rendering, animal food processing plants, or other establishments to transport the carcasses or discarded animal parts over the public highways to their plant upon receipt of a properly executed application form furnished by the board. The application shall must include:

- A. the name of rendering plant the establishment and location by county and city, village or township, and county or town;
- B. a description of each truck to be owned, leased, contracted, or used in the transportation of carcasses, including the license number and truck body number (see part 1720.0110);
- C. the location of each collecting station, if any, by county and city, village or township, and county or town; and
- D. the signature of the owner or operator of the rendering plant establishment or an authorized agent.

**Subp. 2. Pet animal or mink food processing plant.** The Minnesota Board of Animal Health may issue a permit to owners or operators of pet animal food processing plants or mink food processing plants to transport the carcasses of domestic animals that have died or have been killed, otherwise than by being slaughtered for human consumption, over the public highways to their plant for processing into pet animal food or mink food upon receipt of a properly executed application form furnished by the board.

#### **1719.0300 PERMITS REQUIRED.**

**Subpart 1. Permits to mink ranchers.** Permits may be issued to mink ranchers to pick up individual carcasses when a veterinarian, after examination, certifies to the board that to the best of the veterinarian's knowledge and belief the animal was not affected with any infectious, contagious, or communicable disease. Such certification shall be made on forms furnished by the board. Such permits shall contain sufficient information to identify the carcass or carcasses for which the permit is granted and the mink rancher to whom it is issued. from the board are required for all trucks used to transport carcasses or discarded animal parts over public roads. The permit shall authorize the permittee to transport the specific carcass or carcasses from the premises where the animal died or discarded animal parts over public highways directly roads to the mink ranch operated by the permittee, an establishment but does not across authorize crossing state lines. The board may refuse to issue such permit if the mink rancher making application therefor has in the past failed to comply with provisions of a special permit or these rules. Permits are valid for one year unless revoked in accordance with Minnesota Statutes, section 35.93. The permittee shall comply with rules of other state and federal agencies. No permit is required for a person to haul the carcass of an animal which was owned by that person before the animal died.

**Subp. 2. Validity of permits.** Permits shall be valid for one year from date of issue unless revoked in accordance with parts 1720.0510 to 1720.0530.

**Subp. 3. Permitted vehicles meeting applicable requirements.** Only permitted vehicles meeting the applicable requirements in parts 1720.0010 to 1720.0310 may be used for transporting carcasses received or picked up from livestock owners and carcasses, carcass parts, or other material transported to and from rendering plants, pet animal food processing plants, and mink food processing plants operating under permit from the Minnesota Board of Animal Health.

#### **1719.0310 TRUCKS CROSSING STATE LINES.**

Trucks crossing state lines must meet applicable conditions in any reciprocal agreement between the states involved.

#### **1719.0400 TRUCK OWNED BY PERSON OTHER THAN OWNER OR OPERATOR OF RENDERING PLANT.**

If the application lists a truck is owned by some a person other than the owner or operator of the rendering plant establishment, said the owner or operator of the truck and the owner or operator of the rendering plant shall be establishment are responsible for compliance with all laws and regulations rules pertaining to the transportation of carcasses by the owner or operator of the truck listed. The application shall must indicate the name and address of the owner of the truck, and the application shall be accompanied by a copy of a contract between the owner or operator of the rendering plant and the owner or operator of the truck.

#### **1719.0500 INSPECTION OF PLANT FACILITIES AND TRUCKS.**

**Subpart 1. Inspection and report.** Before permits are issued, an inspection of the plant, collecting station, and trucks listed on the application shall must be made by an agent of the board to determine if the facilities of the plant and the trucks meet the requirements set forth below comply with this chapter. A report of said the inspection shall must be filed with the board.

**Subp. 2. Sanitation standards and procedures.** The facilities and vehicles must be inspected by an agent of the Minnesota

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## Proposed Rules

Board of Animal Health, and sanitation standards and procedures for hauling and processing carcasses into inedible meat be in compliance with the requirements set forth in these rules before a permit can be issued.

### 1719.0600 BURYING OR BURNING.

The Pollution Control Agency has adopted rules governing burying or burning carcasses or discarded animal parts.

### 1719.0700 CARCASS OF ANIMAL WHICH HAS DIED FROM ANTHRAX OR RABIES.

Permits shall not allow the removal, composting, transportation, or rendering of any carcass of an animal which has died from anthrax or rabies. When circumstances exist which do not reasonably allow the proper disposal of a carcass of an animal which has died from rabies or is suspected to have died from rabies, such carcasses may be transported by a qualified rendering truck directly to a rendering plant for special handling under the direct supervision of a veterinarian. The carcass must be treated according to parts 1705.0010 to 1705.0050.

### 1719.0750 CARCASS OF ANIMAL THAT DIED FROM RABIES.

If circumstances exist that do not reasonably allow the burning or burial of a carcass of an animal that has died from rabies or is suspected of having died from rabies, the carcass may be transported to a rendering plant for special handling under the advisement of a veterinarian.

### 1719.0800 REMOVAL, TRANSPORTATION, OR PROCESSING OF CERTAIN CARCASSES CARCASS OF ANIMAL THAT DIED FROM TOXIC MATERIALS.

Permits shall do not allow the removal, transportation, or processing rendering of a carcass of any an animal which knowingly that has died from anthrax, rabies, or highly toxic materials; or which is decomposed unless the material is inactivated by the rendering process. The Pollution Control Agency has adopted rules about the concentration of toxic agents in composted material.

### 1719.1000 ENDANGERING HEALTH OF DOMESTIC ANIMALS OF STATE.

Whenever If the board shall determine determines that the removal, transportation, or rendering, or feeding of a carcass of an animal or fowl which that has died or has been killed on account because of some specified a specific disease will endanger the health of the domestic animals of the state, they the board shall notify all rendering plants holding permits from the board; and thereafter no such plant shall remove, transport, or render the carcass of any animal or fowl which has died from or been killed because affected with or exposed to such disease the owner or person in charge that the carcass may not be removed from the premises, except with a permit from the board.

### 1719.1100 PERMITS TO FUR FARMS.

Permits are required for fur farmers to haul carcasses or discarded animal parts to feed their animals. The carcasses or discarded animal parts may be fed only to their own animals.

### 1719.1200 TRANSPORTATION OF CARCASSES AND OTHER RENDERABLE PRODUCTS DISCARDED ANIMAL PARTS.

Trucks permitted for the transportation of carcasses, other than carcasses destined for mink food under special permit or discarded animal parts to establishments, shall must be equipped with a truck body or tank that is watertight and so constructed that no drippings or seepings from such the carcasses can escape. The truck body or tank shall must have a permanent cover and be completely enclosed. Temporary cover arrangements other than permanent may be used on trucks or trailers in special circumstances such as hauling carcasses from collecting stations directly to the main plant provided it if the cover arrangement passes inspection as being completely enclosed and prior approval is received from the board or its agent before it is used. The tailgate shall must completely enclose the rear openings of the truck. Trucks used for hauling renderable products other than carcasses shall must be adequately constructed to prevent dripping and equipped with a cover to prevent the transported product against undue exposure to the outside.

### 1719.1300 HAULING CARCASSES FOR MINK FOOD TRANSPORTATION FOR DISPOSAL BY OTHER METHODS.

Persons hauling carcasses destined or discarded animal parts for mink food under special permit disposal by other methods shall keep such the carcasses or discarded animal parts completely covered and in a leakproof container or truck body while transporting same being transported over any public road.

### 1719.1500 TRUCK BODY NUMBER.

Each truck used for the transportation of carcasses shall and discarded animal parts to an establishment must be assigned a body number by the rendering plant establishment. This number shall be known as the "body number." Both the number of the permit issued the rendering plant establishment name or truck owner's name and the body number of the truck shall must be printed in a conspicuous place and manner on the left side of the truck bed or body in figures at least four inches high. No numbers are required

on trucks hauling renderable parts, by-products, or fish other than carcasses, nor on trucks used to haul carcasses destined for mink food under special permit.

#### **1719.1600 FUR FARM TRUCK IDENTIFICATION.**

No numbers are required on trucks used to haul carcasses or discarded animal parts to be used for fur farm food, but the truck must have the name of the owner or farm name on the left side of the truck in letters at least two inches high.

#### **1719.1700 CLEANING AND DISINFECTION.**

Whenever If a truck or, a person in charge thereof of a truck, or the person's an agent has been upon on a premises for the purpose of removing a carcass, and before such the truck can be taken upon on a public highway road or upon on other premises; the wheels of such the truck; and the shoes or boots of persons which who have been upon such the premises; shall must be thoroughly cleaned and disinfected with a disinfectant of a prescribed strength approved by the board of Animal Health. Such The cleaning and disinfection shall disinfecting must also be conducted prior to each time the truck or persons in charge thereof leave of the truck leaving the premises of the rendering plant establishment.

#### **1719.1800 INSECTICIDE.**

Upon leaving any premises and prior to Before closing the permanent cover and leaving the premises, a sufficient amount of an FDA-approved insecticide shall must be discharged into the truck body and eab to destroy and prevent accumulated flies from escaping at before the next stop during the time from May 1 through to September 30.

#### **1719.1900 REMOVAL OF CARCASSES OFF-SITE PICKUP POINT.**

No carcasses shall be removed from the truck except at the rendering plant of final disposal or at collecting stations as provided in parts 1720.0160 to 1720.0190. All carcasses shall be unloaded within enclosures or a building provided therefor. Carcasses left at an off-site pickup point must be in an animal-proof enclosed area that is at least 200 yards from a neighbor's buildings. Carcasses must be picked up within 72 hours, except if the enclosed area is refrigerated to less than 45 degrees Fahrenheit, the carcasses must be picked up within seven days.

#### **1719.2000 VEHICLE CLEANING AND DISINFECTION USE OF VEHICLE FOR OTHER PURPOSES.**

Subpart 1: Use of vehicle for other purposes: No A vehicle used for the transportation of carcasses or other renderable products shall discarded animal parts may not be used for any other purpose until it is thoroughly cleaned and disinfected. Any unrenderable article or thing which may be transported with a carcass or parts thereof shall be unloaded only at the rendering plant and be there disposed of by burning or burying; except metal Trucks and containers which shall must be thoroughly cleaned and disinfected before leaving the rendering plant after emptying.

Subp. 2: Washing and disinfection of trucks: Provision shall be made for washing and disinfection of trucks at the time carcasses are unloaded at collecting stations.

#### **1719.2100 CARCASSES UNLOADED AT COLLECTING STATION CARCASS UNLOADING AND RELOADING.**

No carcass may be removed from a truck except for final disposal or at a collecting station.

Carcasses unloaded at a collecting station shall A carcass must be unloaded within enclosures or a building provided therefor for that purpose. No such A carcass shall may not be allowed to remain in the collecting station for a period longer than 24 hours before reloading into another permitted truck operated by the same rendering plant for transportation directly to such plant an establishment, except a carcass kept at less than 45 degrees Fahrenheit may remain for up to seven days.

#### **1719.2200 BUILDING REQUIREMENTS ESTABLISHMENTS.**

Subpart 1: Collecting stations: No A permit shall may not be issued to the owner of a rendering plant for the operation of a collecting station an establishment unless the plant and any collecting station includes a building or buildings adapted to the purpose intended, provided with adequate ventilation and concrete floors with good drainage, and so constructed that it may be maintained in a sanitary condition. There shall be provision to prevent entrance to said building of rodents or other animals. All windows, doors, and other openings shall be properly screened unless a program for insect extermination satisfactory to the board is followed in such buildings and on the premises where such buildings are located. The floors, walls, ceilings, posts, doors, and other structural parts of the building or buildings must be of impervious materials or protected with impervious materials. All windows, doors,

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## Proposed Rules

and other openings must be screened or constructed to prevent entry of rodents, insects, and other animals. Management shall establish and maintain a routine insect and rodent extermination program.

**Subp. 2. Rendering plant.** No permit shall be issued to the owner of a rendering plant unless the plant includes a building or buildings adapted to the purpose intended; provided with concrete floors; and provided with good drainage; and so constructed that it may be maintained in a sanitary condition. There shall be provision to prevent entrance to said buildings of any rodents or other animals. All windows, doors, and other openings shall be properly screened unless a program for insect extermination satisfactory to the board is followed in such buildings and on such premises.

**Subp. 3. Plant requirements.** A plant shall be a structurally enclosed building with adequate ventilation; and constructed so it can be maintained at all times in a sanitary condition.

**Subp. 4. Gutters and drains.** Provide adequate gutters and drains with approved traps and vents. Floor washings, liquid waste, and sewage shall be disposed of through facilities which conform to the standards of the Department of Health and the Minnesota Pollution Control Agency.

**Subp. 5. Structural parts of building or buildings.** Floors, walls, ceilings, posts, doors, and other structural parts of the building or buildings shall be of impervious materials or protected with impervious materials.

**Subp. 6. Insect-vermin extermination program.** All windows, doors, and other openings shall be screened or constructed to prevent, as far as is practical, entry of mice, rats, flies, and other animals or insects. Management shall establish and maintain a routine insect-vermin extermination program.

### 1719.2300 RENDERING CARCASSES.

All Skinning and dismembering of carcasses shall must be done in buildings properly constructed and provided therefor for that purpose. The cooking vats shall must be airtight except for proper escapes or vents for the live steam used in cooking. All such vents shall be furnished with adequate closing facilities and necessary steam valve gauges to ensure that cooking shall be at the required steam pressure. All carcasses and discarded animal parts thereof shall must be disposed of by subjecting them to a recognized cooking and rendering procedure in vats or tanks under steam pressure.

### 1719.2400 FLOORS, WALLS, AND WATER FLUSHING OR SCRUBBING; DISPOSAL OF LIQUID WASTE.

**Subpart 1. Floors and walls of collecting station.** Floors and walls of the collecting station shall be thoroughly flushed or scrubbed immediately upon removal of all carcasses and at least once daily while the collecting station is in operation, with live steam or boiling water. All floor washings and other liquid waste or accumulation of water shall be disposed of through proper disposal facilities which conform to the regulations of the Department of Health and the Minnesota Pollution Control Agency.

**Subp. 2. Floors and walls.** Floors and walls of the plant shall The entire processing area and equipment of an establishment or collecting station must be thoroughly flushed or scrubbed daily with live steam or boiling 185 degrees Fahrenheit potable water when the plant is in operation. All floor washings and other liquid waste or accumulation of water from washing the viscera shall must be disposed of through proper disposal facilities which conform to the rules of the Department of Health and, the Minnesota Pollution Control Agency, and other governmental agencies.

**Subp. 3. Water.** The water shall be ample, potable, and approved. Install equipment to provide hot water, temperature 185 degrees Fahrenheit, or steam to all areas of the plant.

### 1719.2500 OFFICIAL OR ALTERNATE VETERINARIAN.

**Subpart 1. Official veterinarian.** The plant management of a pet or mink food plant shall employ or engage the services of an accredited licensed veterinarian for the purpose of inspecting to inspect carcasses and supervising supervise plant sanitation. The veterinarian selected may designate, with plant manager approval, an alternate veterinarian to perform this service in his or her the veterinarian's absence. Compensation for services rendered by the veterinarians must be paid by the plant management. The veterinarian and alternate, if any, shall must be named on the permit application. The veterinarian and alternate veterinarian shall and be authorized by the Minnesota board of Animal Health to act as official veterinarian.

**Subp. 2. Compensation for official or alternate veterinarian.** All compensation for services rendered by the official or alternate veterinarian shall be paid by the processing plant management.

**Subp. 3. Plant management failure to carry out sanitary procedures.** The official veterinarian shall report to the board any failure on the part of plant management to carry out sanitary procedures set forth in these rules this chapter.

### 1719.2600 INSPECTION BY VETERINARIAN.

Carcasses presented to the veterinarian for inspection shall must have the lungs, heart, liver, and kidneys attached. Prior to inspection, such the carcasses shall must be held in a chill room at a temperature of 40 to 45 degrees Fahrenheit to prevent decomposition.

**1719.2700 CONDEMNED CARCASSES.**

Carcasses which show evidence of a dangerous communicable disease, decomposition, or any toxic material shall must be declared unfit for processing into pet animal or mink food. ~~Such~~ The carcasses shall must be identified as condemned by ~~slashing and denaturing with a material approved by the board.~~ Condemned carcasses shall must be held in a room or area separate from the processing area and removed ~~from the plant for rendering~~ within a reasonable time for ~~processing by rendering only.~~ Condemned carcasses or discarded animal parts thereof shall must be transported in permitted vehicles only.

**1719.2800 REQUIREMENTS FOR PROCESSING, STORAGE, AND TRANSPORTATION CARCASSES AND DISCARDED ANIMAL PARTS PASSED FOR USE IN PET ANIMAL AND MINK FOOD.**

**Subpart 1. Carcasses passed for use in pet animal and mink food.** Carcasses and discarded animal parts passed for use in pet animal and mink food shall must be identified, cut up, decharacterized, packaged, weighed, labeled, stored, and transported ~~in accordance with~~ according to *Code of Federal Regulations*, title 9, chapter III, section 325.11 (1974).

**Subp. 2. Transportation.** A permit from the Minnesota Board of Animal Health must be obtained by all establishments or persons transporting decharacterized inedible meat or carcass parts within or out of the state of Minnesota. Permits are issued on an annual basis.

**1719.2900 SANITATION.**

**Subpart 1. Processing.** All Processing of animal carcasses and discarded animal parts into pet animal or mink food shall must be accomplished in a plant maintained in a sanitary condition.

**Subp. 2. Cleaning processing area and equipment.** The entire processing area and equipment shall be thoroughly cleaned by hot water, 185 degrees Fahrenheit, or steam at the end of each working day.

**1719.3000 RECORDS.**

All Plants operating under a permit to process carcasses into pet animal and mink food shall must keep the following records and make them available at all reasonable times to ~~any~~ an agent of the Minnesota board of Animal Health upon request: the name and address of the owner and the date an animal carcass was picked up and received for inspection and processing; and an inventory of the weight and number of cartons of inedible meat and carcass parts and the weight of the carton processed, stored, and transported each day; running inventory of the number of cartons of inedible meat and carcass parts and weight of each carton stored and transported.

**1719.3100 SANITATION GUIDELINES.**

Every attempt should be made to ~~comply with the following sanitation guidelines which are designed To decrease bacterial contamination of the plant and the finished product,~~ the operator of an establishment shall, to the extent practicable:

A. divide the raw material room, processing room, and finished product room ~~should be divided~~ into completely separate areas by solid walls and ceilings;

B. control the work pattern of employees from one work area to another or supply equipment and space for scrubbing footwear, changing clothes, and washing hands between ~~such the~~ work areas;

C. avoid the transfer of equipment, tools, mechanical loaders, or scrapers, particularly from the raw material or processing area to the storage and blending areas;

D. maintain a constant and active rodent, bird, and insect control program especially in areas where the finished product is stored;

E. exclude visitors or provide good security measures such as disposable or washable footwear, and ~~conduct tour~~ tour from finished product to raw material area;

F. avoid excess production, accumulation, and distribution of dust in the grinding area. ~~Cover, including covering~~ conveyor belts and whirling machinery to keep air movement at a minimum. and removing dust that settles on beams, shelves, window sills, and equipment ~~should be removed by vacuuming.~~

G. reprocess all spillage through the cookers;

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H. conduct a thorough daily cleanup of floors and equipment- ~~Avoid, avoiding~~ the accumulation of pools of water- Keep and keeping floor and equipment as dry as possible-;

I. make adequate washing, showering, and dressing facilities available to all employees-; and

J. ~~Cooperate with the~~ participate in available salmonella monitoring system ~~carried out by field veterinarians employed by the Minnesota Board of Animal Health and the Animal Health Division, U.S. Department of Agriculture programs.~~

### 1719.3200 PITS OR DEPOSITORIES.

Pits or depositories must be leakproof and built on an impervious pad. Pollution control agency rules also apply to pits or depositories.

### 1719.4000 COMPOSTING.

Subpart 1. **Species allowed.** Composting is allowed for poultry ~~only~~, swine, sheep, and goats if parts 1719.0100 to ~~1719.4600~~ 1719.4250 are followed. The board may authorize on an experimental or permit basis other species to be composted or alternative methods to be used.

[For text of subp 2, see M.R.]

Subp. 3. **Compost facility.** A composting facility must:

A. be built on an impervious, weightbearing pad that is large enough to allow the equipment to maneuver;

B. be covered with a roof to prevent excessive moisture on the composting material, but if sawdust or other water-repelling material is used as the bulking agent, a roof may not be necessary;

C. be built of rot-resistant material that is strong enough to withstand the force exerted by the equipment; and

D. be large enough to handle each day's normal mortality through the endpoint of the composting and that consists of a minimum of two heat cycles.

Pollution Control Agency and Department of Agriculture rules also govern the handling or storage of the manure and composted material.

Subp. 4. **Composting process.** The composting process must utilize at least the steps in items A to D.

A. Mortality must be processed daily.

B. A base of litter is required. The dead birds carcasses or discarded animal parts and litter plus bulking agent are added in layers so that the carbon to nitrogen ratio is in the range of 15:1 to 35:1 (optimal 23:1).

C. The dead birds carcasses or discarded animal parts must be kept six inches from the edges and sealed with litter each day.

[For text of item D, see M.R.]

[For text of subps 5 and 6, see M.R.]

Subp. 7. **Transportation of dead birds to compost site.** Dead birds Carcasses and discarded animal parts may be transported over public roads only in vehicles or containers that are leakproof and covered. ~~The vehicles must be inspected by and have permits from the board.~~

[For text of subps 8 to 10, see M.R.]

### 1719.4200 ENFORCEMENT.

Enforcement of parts 1719.0100 to 1719.4100 must be according to Minnesota Statutes, sections 35.92 to 35.94.

### 1719.4250 PENALTIES.

Construction or operation of an establishment, fur farm, truck, or compost facility in violation of this chapter results in penalties pertaining to improper disposal of dead animals as well as possible charges for violations of the rules by other state or local agencies.

The penalties assessed to the party or parties responsible for a violation that are civil penalties under Minnesota Statutes, section 35.95, or criminal penalties under Minnesota Statutes, section 35.96, must be enforced through an action by the county attorney, the attorney general, or the board as the situation dictates.

**REPEALER.** Minnesota Rules, parts 1719.0100, subparts 8 and 9; 1719.3250; 1719.4300; 1719.4400; 1719.4500; and 1719.4600, are repealed.

## Department of Transportation

### State Aid Division

#### Proposed Permanent Rules Relating to Bridge Inspection

##### Notice of Intent to Adopt Rules Without a Public Hearing

**Introduction.** The Minnesota Department of Transportation intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. Written comment on the proposed rules and also written requests that a hearing be held on the rules may be submitted within 30 days.

**Agency Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to:

Julie A. Skallman  
 Assistant State Aid Engineer  
 Division of State Aid for Local Transportation  
 395 John Ireland Blvd, MS 500  
 St. Paul, MN 55155  
 Telephone: (612) 296-9875  
 Facsimile: (612) 282-2727

**Subject of Rules and Statutory Authority.** The proposed rules will allow bridge inspections to be performed at an interval of more than one year, not to exceed two years, with the approval of the commissioner. This change is being made to correspond to the same change in *Minnesota Statutes* section 165.03. The proposed rules will also reference the ability of local authorities to update the annual bridge data electronically. The statutory authority to adopt the rules is *Minnesota Statutes* section 165.03, subdivision 2. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

**Comments.** Written comments supporting or opposing any part or all of the proposed rules will be received until 4:30 p.m. on November 22, 1995. Comments must be in writing and received by the agency contact person by the due date. Comments are encouraged, and should identify the portion of the proposed rules being addressed, the reason for the comment, and any proposed changes.

**Request for a Hearing.** In addition to submitting comments, a hearing on the proposed rules may also be requested. Requests for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on November 22, 1995. Written requests for a public hearing must include your name, address, and telephone number. Please identify the portion of the proposed rules which caused your request, the reason for the request, and any changes you want made to the proposed rules. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a hearing is required, the Department will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Modifications.** The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rules as attached and printed in the *State Register* and must be supported by data and views submitted to the Department.

**Statement of Need and Reasonableness.** A statement of need and reasonableness is available from the agency contact person. This statement describes the need for and reasonableness of each provision of the proposed rules.

**Small Business Considerations.** In preparing the rules, the Department has considered the requirements of *Minnesota Statutes*, section 14.115, in regard to the impact of the proposed rules on small businesses. The adoption of these rules will have no impact on small businesses.

**Expenditure of Public Money by Local Public Bodies.** *Minnesota Statutes*, section 14.11, subdivision 1 does not apply because adoption of these rules will not result in additional spending by local public bodies.

**Impact on Agricultural Lands.** Adoption of the proposed rules will not have a direct or substantial adverse impact on agricultural land. Therefore, *Minnesota Statutes*, section 14.11, subdivision 2, is not applicable to this rulemaking.

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## Proposed Rules

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**Adoption and Review of Rules Procedure.** If no hearing is required, after the end of the comment period the Department may adopt the rules. The rules and supporting documents will then be submitted to the attorney general for review as to legality and form to the extent the form relates to legality. You may request to be notified of the date the rule is submitted to the attorney general or be notified of the attorney general's decision on the rule. If you want to be so notified, or wish to receive a copy of the adopted rules, submit your request to the agency contact person listed above.

Dated: 10 October 1995

James N. Denn, Commissioner  
Department of Transportation

### Rules as Proposed

#### 8810.9400 FREQUENCY OF INSPECTIONS AND INVENTORY.

Subpart 1. **Inspection.** Each bridge must be inspected annually, unless a longer interval not to exceed two years is authorized by the commissioner. The commissioner's authorization shall be based upon factors including, but not limited to, the age and condition of the bridge, the rate of deterioration of the bridge, the type of structure, the susceptibility of the bridge to failure, and the characteristics of traffic on the bridge. Interim inspections at intervals of less than one year may be necessary on bridges that are posted, bridges subjected to extreme scour conditions, bridges subject to significant substructure movement or settlement, and for other reasons as specified or inferred in the AASHTO manual.

The thoroughness of each inspection depends on such factors as age, traffic characteristics, state of maintenance, and known deficiencies. The evaluation of these factors is the responsibility of the engineer assigned the responsibility for inspection as defined in part 8810.9300, subpart 1.

Subp. 2. **Inventory.** An inventory shall be prepared for each bridge and shall be updated annually.

#### 8810.9700 UPDATING REPORTS.

Each highway authority responsible for inspection and inventory of bridges shall submit an updated copy of the structure inventory sheet form or submit an electronic update for each bridge under its jurisdiction to the commissioner by February 15, annually.

## Board of Water and Soil Resources

### Proposed Permanent Rules Relating to the State Cost-Share Program

**Introduction.** The Minnesota Board of Water and Soil Resources ("board") intends to adopt amendments to a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You have 30 days to submit written comments on the proposed rules and may also submit a written request that a hearing be held on the amendments.

**Agency Contact Person.** Comments or questions on the amendments and written requests for a public hearing on the rules must be submitted to:

Marybeth Block, Special Projects Coordinator  
Minnesota Board of Water and Soil Resources  
One West Water Street, Suite 200  
Saint Paul, Minnesota 55107

Telephone: (612) 297-7965

Fax: (612) 297-5615

Electronic Mail: marybeth.block@bwsr.state.mn.us

**Subject of Rules and Statutory Authority.** The proposed amendments are about the administration of the State Cost-Share Program. The statutory authority to adopt the rules is *Minnesota Statutes*, 103C.501. A copy of the proposed amendments is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m., Wednesday, November 22, 1995 to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the proposed amendments. Your comments must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed amendments addressed, the reason for the comment, and any change proposed.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on November 22,

1995. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rules that caused your request, the reason for the request, and any changes you want made to the proposed amendments. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the Board of Water and Soil Resources will follow the procedures in Minnesota Statutes, sections 14.131 to 14.20.

**Modifications.** The proposed amendments may be modified as a result of public comment. The modifications must be supported by data and views submitted to the Board of Water and Soil Resources and may not result in a substantial change in the proposed amendments as attached and printed in the *State Register*. If the proposed amendments affect you in any way, you are encouraged to participate in the rulemaking process.

**Statement of Need and Reasonableness.** A Statement of Need and Reasonableness is now available. The Statement describes the need for and reasonableness of each provision of the proposed amendments and identifies the data and information relied upon to support the proposed rules. A free copy of the Statement may be obtained from Marybeth Block at the address and telephone number listed above.

**Small Business Considerations.** In preparing the proposed amendments to the permanent rule, the Board has considered the requirements of *Minnesota Statutes*, section 14.115, subdivision 7(2), in regard to the impact on small businesses. The adoption of the proposed amendments relate to local government administration of a state program. Therefore, the board claims exemption to describing specific impacts to small businesses. If you believe that proposed amendments will affect small businesses, you are encouraged to provide comments to the agency contact person in the manner described in the "comments" section of this notice.

**Expenditure of Public Money by Local Public Bodies.** *Minnesota Statutes*, section 14.11, subdivision 1, does not apply because adoption of the proposed amendments to the permanent rule will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption of the proposed amendments.

**Impact on Agricultural Lands.** In preparing the proposed amendments to the permanent rule, the board has considered the requirements of *Minnesota Statutes*, section 14.11, subdivision 2, in regard to the impact on agricultural lands. The proposed amendments to the rule relate to providing financial assistance to land occupiers installing conservation practices to treat a soil erosion, sedimentation or water quality problem. Therefore, the board claims exemption because adoption of the proposed amendments will not result in direct and substantial adverse impacts to agricultural lands. If you believe the proposed amendments will result in direct and substantial adverse impacts to agricultural lands, you are encouraged to provide comments to the agency contact person in the manner described in the "comments" section of this notice.

**Adoption of Review of Rule.** If no hearing is required, after the end of the comment period the board may adopt the proposed amendments. The proposed amendments and supporting documents will then be submitted to the Attorney General or be notified of the Attorney General's decision on the proposed amendments. If you wish to be so notified, or if you wish to receive a copy of the adopted amendments, submit your request to the agency contact person listed above.

Dated: 6 October 1995

Ronald D. Harnack  
Executive Director

## Rules as Proposed

### **8400.0050 PURPOSE.**

The state cost-share program is administered through local conservation districts to provide financial and technical assistance to land occupiers for the application of conservation practices that reduce erosion, control sedimentation, or improve and protect water quality to ensure the sustainable use of Minnesota's natural resources.

### **8400.0100 DEFINITIONS.**

Subpart 1. **Scope.** For purposes of parts ~~8400.0100~~ 8400.0050 to ~~8400.2900~~ 8400.1800, the definitions in this part, in addition to those in *Minnesota Statutes*, chapter ~~40~~ 103C, apply.

Subp. 1a. [See repealer.]

Subp. 2. [See repealer.]

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**Subp. 2a. Administrative Guidelines.** "Administrative Guidelines" means the Administrative Guidelines for the State Cost-Share Program, being the most current compilation of the approved practices, practice guidelines, administrative guidelines, and examples of administrative forms provided to conservation districts by the state board to assist in locally administering the state cost-share program. The publication is not subject to frequent change, is available at the State Law Library, and is incorporated by reference.

**Subp. 3. Annual plan.** "Annual plan" means a plan prepared by the conservation district pursuant to *Minnesota Statutes*, section 40.07 103C.331, subdivision 9 11, paragraph (f), and according to the most recent version of the Guidelines for Soil and Water Conservation District Comprehensive and Annual Plans published by the state board. That publication is not subject to frequent change, is available at the State Law Library, and is incorporated by reference.

**Subp. 4. Approved practice.** "Approved practice" means a soil and water conservation practice which that qualifies for state cost-sharing and which that has been approved by the state board.

Subp. 5. [See repealer.]

**Subp. 5a. Comprehensive local water plan.** "Comprehensive local water plan" means a local water plan authorized under Minnesota Statutes, section 103B.311; a watershed overall plan required under Minnesota Statutes, section 103D.401; a watershed management plan required under Minnesota Statutes, section 103B.231; or a county groundwater plan authorized under Minnesota Statutes, section 103B.255.

Subp. 6. [See repealer.]

Subp. 7a. [See repealer.]

**Subp. 8. Comprehensive plan.** "Comprehensive plan" means a long-range plan prepared adopted by the conservation district pursuant to *Minnesota Statutes*, section 40.07 103C.331, subdivision 9 11, and according to the most recent version of the Guidelines for Soil and Water Conservation District Comprehensive and Annual Plans published by the state board. That publication is not subject to frequent change, is available in the State Law Library, and is incorporated by reference.

Subp. 8a. [See repealer.]

**Subp. 9. Conservation district.** "Conservation district" means a soil and water conservation district organized under *Minnesota Statutes*, chapter 40 103C.

**Subp. 10. Conservation district board.** "Conservation district board" means the five board of supervisors of a soil and water conservation district authorized to carry out the functions of the district as organized under Minnesota Statutes, chapter 103C.

**Subp. 10a. Conservation district technical representative.** "Conservation district technical representative" means a district employee assigned by the conservation district board or other designee who has expertise in the design and application of conservation practices.

**Subp. 10b. Conservation practices.** "Conservation practices" means practices applied to the land for the purpose of controlling or preventing soil erosion, sedimentation, nutrient runoff, or other water pollution to maintain the sustainable use of soil and water and other natural resources.

Subp. 11. [See repealer.]

Subp. 12. [See repealer.]

Subp. 13. [See repealer.]

**Subp. 13a. Consolidated Farm Service Agency.** "Consolidation Farm Service Agency" means the Consolidated Farm Service Agency, an agency of the United States Department of Agriculture.

**Subp. 14. Enduring practice Effective life.** "Enduring practice Effective life" means the time span for which a soil and water conservation practice which is designed for an effective life of ten years or more effectively fulfills its intended purpose.

Subp. 14a. [See repealer.]

**Subp. 15. Field Office Technical Guide.** "Field Office Technical Guide" means the document providing technical standards and specifications for technical requirements of soil and water conservation practices as provided by the Soil Natural Resource Conservation Service and adopted by the conservation district board.

**Subp. 16. Group spokesperson.** "Group spokesperson" means an individual a principal land occupier designated by the several individuals involved in a group project; who may is authorized to speak for the entire group in negotiations with a conservation district for cost-share assistance.

**Subp. 16a. High priority erosion problems.** "High priority erosion problems" means areas where erosion from wind or water is occurring on Class I-IV soils equal to, or in excess of, 2 x T tons per acre per year or is occurring on any area within 300 feet of a

water course or within 1,000 feet of a water basin or wetland eroding by water in excess of T tons per acre per year. The water basin, wetland, or water course must be classified by the Department of Natural Resources as a protected water. Erosion problems occurring on nonshoreland areas in excess of T but less than 2 x T tons per acre per year are classified as secondary priority that exhibits active gully erosion or is identified as high priority in the comprehensive local water plan or the conservation district's comprehensive plan.

Subp. 16b. **High priority water quality problems.** "High priority water quality problems" means areas where sediment, nutrients, chemicals, or other pollutants discharge to Department of Natural Resources designated protected waters or to any high priority waters as identified in a comprehensive local water plan or the conservation district's comprehensive plan, or discharge to a sinkhole or ground water so as to groundwater. The pollutant delivery rate to the water source is in amounts that will impair their quality or usefulness; including high priority feedlots and sedimentation problems of the water resource.

"High priority feedlots" means feedlots where the pollution potential rating from the feedlot model is greater than or equal to one and which are discharging pollutants to Department of Natural Resources designated protected waters or to a sinkhole or shallow soils overlying fractured or cavernous bedrock or within 100 feet of a water well. Feedlots not meeting these criteria are not eligible for cost-sharing assistance except as provided in part 8400.2600, subpart 3.

"High priority sedimentation problems" means areas within 300 feet of a water course or 1,000 feet of a water basin or wetland where the water erosion rate exceeds three tons per acre per year or areas where the districts can show that sediment delivery occurs from a watershed or direct conveyance structure such as a storm sewer or paved outlet channel discharging to these waters. The water basin, wetland, or water course must be classified by the Department of Natural Resources as a protected water. Sedimentation problems not meeting these criteria are not eligible for cost-sharing assistance.

Subp. 18. **Land occupier.** "Land occupier" means a person, firm, or corporation, including the governments of this state and any subdivision, agency, or instrumentality, corporate or otherwise, of the government of the state, who possess lands lying or legal entity that holds title to or is in possession of land within a conservation district organized under *Minnesota Statutes*, chapter 40, whether as an owner, lessee, renter, tenant, or otherwise; including, during the life of a practice, successors of a land occupier who received a cost-share payment. This definition also includes the federal government.

Subp. 18a. **Landowner.** "Landowner" means a person, corporation, or legal entity that holds title to a parcel of land.

Subp. 18b. **Natural Resource Conservation Service.** "Natural Resource Conservation Service" means the Natural Resource Conservation Service, an agency of the United States Department of Agriculture.

Subp. 19. [See repealer.]

Subp. 19a. **Other recognized technical practices.** "Other recognized technical practices" means any conservation practice or compilation of such practices not on the approved list of conservation practices that have been approved by the state board for cost-share assistance on a case-by-case basis.

Subp. 20. [See repealer.]

Subp. 20a. **Protected water waters.** "Protected water waters" means those water basins, water courses, and wetlands, waters of the state identified as defined in public waters or wetlands under *Minnesota Statutes*, section 105.37, on the inventory of public waters and wetlands 103G.005, subdivision 15, and inventoried under *Minnesota Statutes*, section 105.391, subdivision 1 103G.201, and identified on a protected waters and inventory map available in a county auditor's office.

Subp. 20b. **Registered professional engineer.** "Registered professional engineer" means a person who practices is duly registered to practice professional engineering within the meaning of according to *Minnesota Statutes*, sections 326.02 to 326.15, and who performs technical professional services such as, but not limited to, the planning, designing, or inspecting of the construction of erosion, sediment control, or water quality protection or improvement measures. A registered professional engineer may be designated by a district board and may use criteria in a recognized technical procedure to design, install, and certify practices which qualify for state cost-sharing.

Subp. 20c. [See repealer.]

Subp. 20d. **Sinkhole.** "Sinkhole" means a depression or hole in the earth's surface caused by dissolving of underlying limestone; drainage is through joints and fractures in underlying bedrock carbonate bedrock and subsequent settling or collapse of surficial soils.

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## Proposed Rules

Subp. 21. [See repealer.]

Subp. 22. [See repealer.]

Subp. 22a. **Special project.** "Special project" means a conservation project or program including but not limited to a demonstration project, accelerated watershed or water quality project, long-term conservation agreement, planning technique, or nonstructural erosion or sediment control or water quality protection or improvement measure. Special projects may address nonshoreland secondary priority erosion problems and are submitted to the state board according to "Guidelines for Special Projects" published by the state board. That publication is subject to frequent change, is available in the State Law Library, and is incorporated by reference those projects or programs that accelerate implementation of innovative soil and water conservation activities.

Subp. 23. **State board.** "State board" means the state Board of Water and Soil Resources created in *Minnesota Statutes*, section 40.03 103B.101.

Subp. 25. **T.** "T" means the soil loss tolerance which that is the maximum level average annual rate of soil erosion loss from sheet and rill erosion or wind erosion, expressed in tons per acre per year, that will permit a high level of crop productivity to be sustained economically and indefinitely. In Minnesota, "T" ranges from one to five tons per acre per year depending on the particular soil characteristics. "T" values for Minnesota soils are provided in the Field Office Technical Guide is allowed yet still sustains the productive capacity of the soil to produce food and fiber over the long term.

Subp. 26. **2 x T.** "2 x T" means soil erosion at the rate of two times T.

Subp. 27. **Technical approval authority.** "Technical approval authority" means the authorization granted in accordance with the administrative guidelines for the state cost-share program to a conservation district technical representative to provide comprehensive technical assistance for individual conservation practices, including associated technical sign-off as the conservation district technical representative of record.

### 8400.0200 AUTHORITY.

*Minnesota Statutes*, chapter 40 section 103C.501, authorizes the state board of Water and Soil Resources, in cooperation with the soil and water conservation districts, to administer a program of cost-sharing with land occupiers on for the installation of soil and water conservation practices. Parts 8400.0400 8400.0050 to 8400.2900 8400.1800 provide procedures and criteria to be followed by the state board in allocating cost-sharing funds to conservation districts, and standards and guidelines which that the conservation district boards shall use in allocating funds to land occupiers.

### 8400.0300 ESTABLISHING APPROVED PRACTICES.

**Subpart 1. Approved practices.** The state board, in consultation with the conservation districts, shall maintain a list of practices which that are eligible for cost-share funds and a schedule of maximum rates, along with guidelines pertaining to the components of the practices that are eligible or ineligible for cost-share funds. The list is contained in parts 8400.2000 to 8400.2700 and the schedule in parts 8400.2800 and 8400.2900. Changes to the list and schedule must be made pursuant to *Minnesota Statutes*, chapter 14 the Administrative Guidelines.

**Subp. 2. Criteria for approved practices.** Practices approved by the state board must meet the criteria in items A to D.

A. The primary purpose of all practices must be the control of soil erosion, sedimentation, or chemical or nutrient runoff or infiltration that impairs water quality.

B. All practices cost-shared under this program must be designed and maintained for a minimum effective life of ten years. The beginning date for a practice's effective life is the same date the conservation district board approves the final payment and the project is considered complete.

C. No cost-share funds shall be furnished for practices designed only to increase land productivity.

D. All practices must be consistent with the district's comprehensive plan.

**Subp. 3. Objectives of approved practices.** The Administrative Guidelines contains a list of approved practices. The objectives of these approved practices may include, but are not limited to, activities that:

A. control nutrient runoff;

B. stabilize critical erosive areas;

C. divert runoff to protect and improve water quality;

D. reduce wind erosion;

E. control gully, rill, or sheet erosion;

F. protect shoreland from erosion;

G. control stormwater runoff; or

H. protect or improve surface water and groundwater quality.

Approved practices must meet the criteria listed in subpart 2.

#### **8400.0600 STATE BOARD ALLOCATION OF FUNDS TO CONSERVATION DISTRICTS.**

Subpart 1. **Comprehensive plan.** Before the state board can allocate cost-share funds to a conservation district it must first approve the conservation district's comprehensive plan, including its most recent amendment and the annual work plan ~~which~~ that includes the application and justification for needed cost-share funds. The plans must be in a format required by Minnesota Statutes, section 103C.331, subdivision 11, and the state board.

Subp. 3. **Review criteria.** The state board shall review all conservation district applications for cost-share funds ~~with respect to~~ based on the following criteria:

A. the extent of high priority erosion or water quality problems in the conservation district as outlined in the conservation district comprehensive and annual plans and comprehensive local water plan;

B. priorities for the control of soil erosion or water quality problems as established in the ~~program plan~~ Administrative Guidelines of the state board;

C. historical success of the conservation district in applying soil and water conservation practices;

D. availability of cost-share funds from other sources; and

E. readiness the ability of the conservation district to effectively use ~~expend~~ the funds in a timely manner.

The state board shall review all district applications for special project funds with respect to criteria established in the most recent version of the Guidelines for Special Projects published by the state board. ~~That publication is subject to frequent change, is available in the State Law Library, and is incorporated by reference.~~

Subp. 4. **Grants to conservation districts.** Following review and approval of the annual and comprehensive plans, The state board shall annually allocate to districts in the form of grants cost-share funds to conservation district boards that have fully complied with all state cost-share program rules and comprehensive and annual planning guidelines as prescribed by the state board. At least 70 percent of the cost-sharing funds available statewide will be allocated to conservation districts in the form of grants for conservation practices ~~to address~~ addressing high priority erosion, sedimentation, or water quality problems. The remaining cost-share funds may be allocated by the board to conservation districts for conservation practices for lower priority erosion, sedimentation, or water quality problems and for technical and administrative assistance or to carry out special projects or programs. ~~Technical and administrative assistance grants may be used for controlling secondary priority nonshoreland erosion problems.~~

Subp. 5. **Other state and federal funds.** Other funds received by the state board may be allocated to conservation districts for the treatment of erosion, sedimentation, or water quality problems. These additional funds may be incorporated with existing cost-share program funds and their use may be governed by the Administrative Guidelines or may be subject to other administrative guidelines required to fully implement the intent for which these additional funds were appropriated.

#### **8400.0700 PROGRAM REPORTING AND MONITORING.**

For the purpose of reporting and monitoring the progress of the program and use of funds, ~~the state board shall receive from each conservation district shall submit~~ an annual report of the year's accomplishments by a date deemed reasonable according to the guidelines and requirements established by the state board. The state board ~~may~~ shall require additional special reports ~~deemed necessary by the state board to monitor the cost-sharing program, including, but not limited to, summaries of practice site inspections and special projects.~~ The reports must be on forms provided by the state board.

#### **8400.0900 CONSERVATION DISTRICT ADMINISTRATION OF PROGRAM FUNDS.**

Subpart 1. **General.** Following receipt of grant funds from the state board, a conservation district is responsible for administration of the funds in accordance with Minnesota Statutes, chapter 40 103C, the Administrative Guidelines, and all other applicable laws. The conservation district board ~~may~~ shall make all decisions concerning use of these funds in accordance with parts ~~8400.0100 8400.0050 to 8400.2900~~ 8400.1800 and the Administrative Guidelines. All funds allocated to conservation districts must be used for the purposes designated by the state board.

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## Proposed Rules

As a condition to receiving grant funds from the state board, the district shall ensure compliance with the maintenance provisions of part 8400.1700 and *Minnesota Statutes*, chapter 40 by monitoring all cost-share contracts made with land occupiers.

**Subp. 2. Maximum cost-share percentage.** Prior to considering any applications from land occupiers for cost-share assistance, the conservation district board shall establish the cost-share rates for practices to be installed under the program, which may not exceed up to the maximum rates established by the state board. The maximum percent of the total eligible cost of the practices installed using state cost-share funds must not exceed 75 percent. Other state or federal funds from any source, when used in combination with cost-share funds of this program, must not exceed the maximum payment rate of 75 percent of the total eligible costs. This decision The conservation district board shall be establish cost-share rates based on the following factors:

- A. the extent of high priority erosion or water quality problems in the conservation district as outlined in the district conservation district's comprehensive and annual plans;
- B. advice of technical experts familiar with the conservation district;
- C. cost-share rates currently in effect under the agricultural conservation program administered by the United States Agricultural Stabilization and Conservation Service Consolidated Farm Service Agency and other assistance programs;
- D. conservation district priorities as established in the districts' conservation district's comprehensive and annual plans and comprehensive local water plan; and
- E. cost-share funds available; and
- F. the state board's Administrative Guidelines.

The maximum cost-share rates must be identified in the conservation district's annual plan and other documents containing the policies of the conservation district.

**Subp. 3. Reencumbering funds.** Prior to the end of the grant period for which the state board has granted the cost-share funds, a conservation district board may reencumber all funds resulting from canceled projects or from those projects that did not use the full amount encumbered. For unencumbered funds remaining after the grant period, the conservation district board shall follow the procedures described in part 8400.1460.

### 8400.1000 APPLICATION FOR FUNDS BY LAND OCCUPIERS.

Land occupiers seeking assistance under this program shall apply to the conservation districts on forms provided by the state board and available from the conservation district office. Each application must be filled out in its entirety. The application and must be signed by the land occupier and. If the land occupier is not the owner # landowner, the application must also bear the owner's landowner's signature. Applications must be submitted not later than June 1 to be considered for cost-sharing from the funds available for the current fiscal year. After initial priority screening by the district board, assigned Soil Conservation Service personnel or a registered professional engineer are responsible for making a determination of need and cost estimate. Actual determination of need and cost estimate may be done by the district technician. Additional information on the desired practice which may be required by the district board in its consideration of the application shall be included.

### 8400.1100 GROUP PROJECT.

A situation may arise Where the cooperation of several land occupiers is required to solve a conservation an erosion or water quality problem, the conservation district may share the cost of such a group project if all of the land occupiers are eligible as individuals and the practices satisfy the criteria of the program. The land occupiers must reach agreement on a division of payments and designate a group spokesperson. The spokesperson must be identified on the group cooperator agreement and shall file all forms with the district sign the application on behalf of the group and negotiate all project details with the conservation district. Checks Payment for the district conservation district's share of the practice shall be issued to the group members based on spokesperson who will be responsible for executing the division of payment plan prepared by the group.

### 8400.1200 LAND IN MORE THAN ONE DISTRICT COOPERATIVE AND JOINT PROJECTS OF CONSERVATION DISTRICTS.

**Subpart 1. Land in more than one conservation district.** If a project involves land in more than one conservation district, application for the entire project must be made to the conservation district containing the most land benefited by the practice majority of the project lands.

**Subp. 2. Pooling cost-share allocation for joint projects.** Conservation district boards may enter into an agreement to pool all or portions of their collective cost-share allocations to implement joint projects. Cooperative and joint projects may be undertaken to accomplish watershed-based resource management goals or other goals of mutual benefit as identified in the county's comprehensive local water plan or the district's comprehensive plan.

**8400.1250 TECHNICAL ASSESSMENT AND COST ESTIMATE DETERMINATION.**

A determination of the effectiveness of a practice to address the erosion or water quality problem and a cost estimate must be made by the conservation district technical representative prior to the conservation district board's review of the application for cost-share funds. The assessment and cost estimate must be conducted by an individual with the appropriate level of technical approval authority or by a registered engineer with expertise in the design of the conservation practices.

**8400.1300 CRITERIA FOR CONSERVATION DISTRICT BOARD REVIEW.**

Criteria for conservation district board review:

A. ~~The applicant must be a district cooperator.~~

B. ~~The practice needed to solve the problem must be on the list of approved practices presented in the Administrative Guidelines or must have received approval from the state board.~~

~~C. B. The primary purpose of the requested practice must be the control of soil to treat a high priority erosion problem or sedimentation, or the protection or improvement of high priority water quality problem. In cases where the primary purpose is questionable, the district board shall make a determination of the acceptability of the application. Additionally, the district board shall make determination of the need for supplemental practices to protect any practice installed under this program, such as fencing of water impoundment structures. If the district board determines that supplemental practices are necessary, it shall authorize cost-sharing for their installation.~~

~~D. C. The requested practice must be consistent with conservation district plans and priorities.~~

D. The application must be signed by the land occupier and the landowner, if different, indicating their agreement to:

(1) grant the soil and water conservation district's representatives access to the parcel where the conservation practice will be located;

(2) obtain all permits required in conjunction with the installation and establishment of the practice prior to starting construction of the practice; and

E. The practice must be maintained by the land occupier, who is (3) be responsible for operation and maintenance of practices applied under this program according to an operation and maintenance plan prepared by the conservation district technical representative.

E. Costs to repair damage to conservation practices installed with state cost-share dollars are eligible if the damage was caused by reasons beyond the control of the land occupier.

F. Priority consideration shall be given to land occupiers or groups of land occupiers who demonstrate the ability to meet matching requirements. Cost-share funds may not be used for repair of practices installed solely with private or federal cost-sharing funds. If the practice has fully met or exceeded its designed effective life, the cost to reconstruct the practice is eligible for cost-share assistance.

G. The practice must comply with the technical requirements of the Field Office Technical Guide. For practices not included in the Field Office Technical Guide, other recognized technical procedures may be used to design, install, and certify practices.

**8400.1400 CONSERVATION DISTRICT APPROVAL.**

Subpart 1. General. After completion of a priority determination and cost estimate the conservation district board review, the conservation district board shall either approve or deny the application. If it is approved, the conservation district board shall instruct the chair or acting chair to sign the application. Once it is signed, the application becomes the contract between the conservation district and land occupier and serves as the authorization for work to proceed on to construct the practice according to the approved conservation practice plan. Practices where construction has begun prior to conservation district approval are ineligible for financial assistance. Changes in any provisions of the contract are subject to review and approval by the conservation district board pursuant to part 8400.1600, subpart 1.

If the application is denied, the conservation district board shall notify the land occupier in writing within 30 days after conservation district board action of the reason for denial of the application. Changes in any provisions of the contract are subject to review and approval by the district board.

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## Proposed Rules

Subp. 2. **High priority problems Conservation practice plans.** In order to ensure compliance with part 8400.0600, subpart 4, the district board shall approve only those applications that involve the high priority problems for which they received funds. The project plans for conservation practices must be prepared according to standards in the Field Office Technical Guide or other standards approved by the state board and must be approved by a conservation district technical representative with the appropriate level of technical approval authority. Plans prepared by a registered professional engineer must meet Field Office Technical Guide standards, meet other standards approved by the state board, or be certified as appropriate standards by the registered professional engineer. Upon completion and technical approval of the plan, one copy must be given to the land occupier and one copy retained with the project file located in the conservation district office.

### **8400.1405 STARTING AND COMPLETION PROJECT DEADLINES AND PARTIAL PAYMENT.**

Subpart 1. **Time limit; and cancellation.** Projects not started within 18 months after conservation district board approval must be canceled unless an amendment to the project contract has been approved by the conservation district board. Projects not completed within two calendar years by the end of the state's third fiscal year after initial conservation district board approval must be canceled unless prior written approval of the state board has been received.

Subp. 2. **Partial payment.** In cases where weather or other unanticipated circumstances beyond the control of the land occupier, force postponement of certification of completion until the following construction season, the state board or its authorized representative may authorize a conservation district board to may issue a partial payment for the work that has been completed. The following conditions must be met before the state board or its authorized representative will conservation district board shall not consider authorizing issuing a partial payment unless:

- A. the anticipated completion date will be in compliance complies with subpart 1-;
- B. the completed work meets the requirements of part 8400.1300, item G, 8400.1400, subpart 2; and
- C. the state board's authorized conservation district technical representative must review has reviewed the work and concur in the payment decision has defined the total percent of construction that is complete.

Subp. 3. **Partial payment conditions.** If the state board or its authorized representative authorizes conservation district issues a partial payment under subpart 2, the following conditions apply:

- A. payment percentages must comply with part 8400.2800, 8400.0900, subpart 2;
- B. the balance of the project must be paid by the conservation district board upon the satisfactory completion of the total project-;
- C. all expenses incurred in correcting to correct damage caused to the project by virtue of its incompletion by the land occupier's failure to expeditiously complete the conservation practice must be borne by the land occupier-;
- D. land occupiers receiving partial payments must complete the project within a time deemed reasonable by the conservation district board-; and
- E. land occupiers not completing partially paid projects are shall be considered as violating part 8400.1700 and shall be directed, unless otherwise authorized by the state board as provided elsewhere in part 8400.1700, to return the amount of financial assistance received.
- F. Partial payment authorizations shall not be construed as precedent setting. Every request for partial payment will be considered by the state conservation district board or its authorized representative on its own merits.

Subp. 4. **Denial.** If the state conservation district board or its authorized representative denies a request for partial payment under subpart 2, the district board shall be notified notify the land occupier within 30 days of the reasons for denial of the request.

### **8400.1460 RETURN OF ALLOCATED FUNDS.**

Cost-share funds unencumbered by the conservation district board after the grant period must be returned to the state board within 30 calendar days following the end of that grant period.

### **8400.1500 CONSERVATION DISTRICT RECORDS.**

The conservation district shall maintain a current ledger of all cost-share contracts on forms provided by the state board. The ledger must specify the land occupiers with whom the conservation district has contracted, the practices involved, the status of construction, and a total of funds encumbered. The conservation district shall also document efforts to identify and contact land occupiers with high priority erosion problems.

### **8400.1600 PAYMENTS EXECUTING THE COST-SHARE CONTRACT.**

Subpart 1. **Amending cost-share contracts.** Because of extreme circumstances such as, but not limited to, weather and unforeseen geologic conditions, it may be desirable to amend the original cost-share contract. If changes to the original cost-share contract are needed, an amendment must be approved by the conservation district board. The conservation district board shall not

approve amendments that increase the originally approved cost-share percentage, nor shall the conservation district board approve any amendments after the approval to issue final payment on the original contract has been made.

**Subp. 2. Construction of practice.** Construction of the practices must be monitored by the conservation district board to ensure compliance with part 8400.1300, item G 8400.1400, subpart 2. Upon completion, assigned Soil Conservation Service personnel or a the conservation district technical representative with appropriate technical approval authority or the registered professional engineer shall certify whether or not the practice has been satisfactorily performed, including a certification that the practice meets the requirements of part 8400.1300, item G constructed according to the approved conservation practice plans and meets the design criteria of the practice as specified in the Field Office Technical Guide or other standards certifiable by a registered professional engineer or other standards approved by the state board. No certification shall be made until all specifications have been satisfied. Exceptions for partial completion must be in accordance with according to part 8400.1405, subpart 2 3. Upon certification of completion, the land occupier shall contact the conservation district for payment and shall present documentation of all costs incurred in the installation of the practice in the form of receipts or invoices.

**Subp. 2-3. In kind services and materials.** In kind services and materials provided by the land occupier such as, but not limited to, earth work, seedbed preparation, and seeding, and permanent fencing materials may be credited toward the land occupier's share of the total cost of the practice. The conservation district board shall determine whether charges for in kind services and materials are practical and reasonable.

**Subp. 3-4. Actual cost differing from different than estimated cost.** In cases where the actual cost of the practice exceeds the estimated cost, the conservation district may only share the approved percentage of the estimated cost, except when an amendment to increase the cost estimate listed on the cost-share contract has been approved by the conservation district board. Because of extreme circumstances such as, but not limited to, weather and unforeseen geologic conditions, it may be desirable to increase the estimated cost, or postpone the starting or completion date of the practice. These changes must be approved by the supervisors in advance of completion of the work with an amendment to the cost-share contract covering the changes. Amendments may not be authorized for providing final cost-sharing percentages in excess of the originally approved percentage or additional money for projects that were knowingly underfunded at the time of approval. Amendments may not be authorized after final approval of payment has been made on the original contract. Where the actual cost is less than the estimated cost, the conservation district shall only share the approved percentage of the actual cost of the practice.

**Subp. 5. Issuing cost-share payments.** The conservation district board shall review the receipts or invoices provided by the land occupier to determine the actual cost of the practice. When the conservation district determines that all claims are practical and reasonable, it shall authorize issuance of a check for the district conservation district's share of the practice. If the conservation district board determines that certain claims are not justified, it shall notify the land occupier in writing of the unjustified claims within 30 days. The conservation district board shall then authorize the issuance of a check for the district conservation district's share of the justified claims.

#### **8400.1650 RECORDING PRACTICES.**

The size, location, and effective life of the soil and water conservation practices that have received cost-share payments under this program equal to or in excess of \$50,000 shall be recorded by the conservation district on the property title. The conservation district board may require the recording of practices where cost-share payments are less than \$50,000 where such action is considered appropriate by the conservation district board. Recording procedures, including the prescribed forms, are described in the administrative guidelines for the state cost-share program.

#### **8400.1700 MAINTENANCE.**

**Subpart 1. Land occupier maintenance responsibilities.** The land occupier is responsible for operation and maintenance of practices applied under this program to ensure that their conservation objective is met and the effective life, a minimum of ten or more years, is achieved. Should the land occupier fail to maintain the practices during their effective life, the land occupier is liable to the state of Minnesota for the full amount of financial assistance received for their installation to install and establish the practice. The district board may authorize the removal of a practice installed under this program provided the land occupier can show good cause for removal of the practice. The land occupier is not liable for cost-share assistance received if the failure was caused by reasons beyond the land occupier's control, or if soil and water conservation practices are applied at the land occupier's expense which provide equivalent protection of the soil and water resources.

**Subp. 2. Reapplication or removal of practices.** In no case shall a conservation district provide cost-share assistance to a land

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occupier for the reapplication of practices which were removed by the land occupier during their effective life or that failed due to improper maintenance. The conservation district board may authorize the removal of a practice installed under this program provided the land occupier can show good cause for removal of the practice and the purpose of the original practice has been achieved.

### 8400.1750 PRACTICE SITE INSPECTIONS.

As a condition to receive grant funds from the state board, the conservation district shall ensure compliance with the maintenance provisions of part 8400.1700 and Minnesota Statutes, chapter 103C, by monitoring all cost-share contracts made with land occupiers. The conservation districts shall conduct site inspections of practices installed with cost-share funds to determine if the land occupier is in compliance with the operation and maintenance requirements under part 8400.1700. Site inspection procedures, including the prescribed forms and frequency, are described in the Administrative Guidelines for the State Cost-Share Program.

### 8400.1800 APPEALS.

If a Land occupier feels she or he has been treated unfairly, the occupier occupiers may appeal a conservation district's action within 60 days of receiving notice of the action by submitting a written request that to the conservation district board review its asking the board to reconsider its decision. Should the land occupier and the conservation district board reach an impasse, the land occupier may petition in writing for a hearing before appeal the conservation district board's decision to the state board. If it grants the hearing, which shall be informal an informal hearing is granted, the state board or a referee its appointed by it mediator shall hear all testimony offered, and shall accept written testimony for ten days after the hearing. The referee mediator, if one is used, shall report the findings and recommendation to the state board, which. The state board shall within 60 days of the hearing date make its decision on the appeal within 60 days of the hearing date or 60 days after receiving the mediator's report, upholding, reversing, or amending the decision of the conservation district board.

REPEALER. Minnesota Rules, parts 8400.0100, subparts 1a, 2, 5, 6, 7a, 8a, 11, 12, 13, 14a, 19, 20, 20c, 21, and 22; 8400.0400; 8400.1950; 8400.2000; 8400.2100; 8400.2200; 8400.2300; 8400.2400; 8400.2500; 8400.2600; 8400.2700; 8400.2705; and 8400.2800, are repealed.

## Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §§14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

## Department of Commerce

### Adopted Exempt Rules Governing Uniform Conveyancing Blanks

#### Rules as Adopted

#### **2820.3710 FORM NO. 47 1/2-M: ASSIGNMENT OF MORTGAGE BY CORPORATION OR PARTNERSHIP WITH CHANGE OF NAME OR IDENTITY.**

Subpart 1. **Recommended form.** The recommended form for an assignment of mortgage by a corporation or partnership with a change of name or identity is contained in subpart 2.

Subp. 2. Contents.

**ASSIGNMENT OF MORTGAGE** Form No. 474-B1 Minnesota Uniform Conveyancing Form 474-B1  
 By Corporation or Partnership with Change of Name or Identity Pursuant to Minn. Stat. § 307.411

**Assignment Of Mortgage**

Date \_\_\_\_\_

(reserved for recording data)

**FOR VALUABLE CONSIDERATION**, \_\_\_\_\_  
 a \_\_\_\_\_ under the laws of \_\_\_\_\_  
 Assignor, hereby sells, assigns and transfers to \_\_\_\_\_  
 Assignee, the Assignor's interest in the Mortgage dated \_\_\_\_\_  
 executed by \_\_\_\_\_  
 as Mortgagor, to \_\_\_\_\_  
 as Mortgagee, and filed for record \_\_\_\_\_, as Document Number \_\_\_\_\_  
 Date \_\_\_\_\_  
 (or in Book \_\_\_\_\_ of \_\_\_\_\_ Page \_\_\_\_\_), in the Office of the (County Recorder)  
 (Registrar of Titles) of \_\_\_\_\_ County, Minnesota, together with all right and interest  
 in the note and obligations therein specified and the debt thereby secured. Assignor covenants with Assignee, its  
 successors and assigns, that there is still due and unpaid of the debt secured by the Mortgage the sum of  
 \_\_\_\_\_ DOLLARS, with interest thereon from  
 \_\_\_\_\_, and that Assignor has good right to sell, assign and transfer the same.

The undersigned has changed its name or identity from \_\_\_\_\_  
 to \_\_\_\_\_  
 as a result of (check appropriate box (es))  merger  consolidation  amendment to charter or articles of  
 incorporation  conversion of articles of incorporation or charter from federal to state, state to federal, or from  
 one form of entity to another.

**ASSIGNOR**

By \_\_\_\_\_  
 Its \_\_\_\_\_  
 By \_\_\_\_\_  
 Its \_\_\_\_\_

**STATE OF MINNESOTA** }  
**COUNTY OF \_\_\_\_\_** } ss. Check here if part or all of the land is Registered (Torrens)

The foregoing instrument was acknowledged before me on \_\_\_\_\_  
 by \_\_\_\_\_ and \_\_\_\_\_  
 the \_\_\_\_\_ and \_\_\_\_\_  
 of \_\_\_\_\_, a \_\_\_\_\_  
 under the laws of \_\_\_\_\_, on behalf of the \_\_\_\_\_

**THIS INSTRUMENT WAS DRAFTED BY GRANT & ASSOCIATES**

**REGISTRATION OF PUBLIC SALES ACKNOWLEDGMENT**

**NOTARIAL OFFICE OR REALTOR OFFICE TITLE OR NAME**

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. Strike outs indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.

# Adopted Rules

## 2820.4510 FORM NO. 58 1/2-M: ASSIGNMENT OF CONTRACT FOR DEED AND QUIT CLAIM DEED BY INDIVIDUAL.

Subpart 1. **Recommended form.** The recommended form for an assignment of a contract for deed and a quit claim deed to an individual is contained in subpart 2.

Subp. 2. **Contents.**

Assignment of Contract for Deed and Quit Claim Deed Form No. 58 1/2-M Minnesota Uniform Governmental Forms - 1/1997

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No delinquent taxes and transfer entered; Certificate of Real Estate Value ( ) filed ( ) not required.  
 Certificate of Real Estate Value No. \_\_\_\_\_  
 \_\_\_\_\_  
 (Date)  
 \_\_\_\_\_  
 (County Auditor)  
 by: \_\_\_\_\_ Deputy

DEED TAX DUE \$ \_\_\_\_\_  
 Date: \_\_\_\_\_

(reserved for recording data)

**FOR VALUABLE CONSIDERATION,** \_\_\_\_\_  
(marital status)

Grantor, hereby sells, assigns and transfers unto \_\_\_\_\_, Grantee.  
 Grantor's interest in that certain Contract for Deed dated \_\_\_\_\_, made by \_\_\_\_\_, as Seller, and \_\_\_\_\_, as Purchaser, and filed for record \_\_\_\_\_, as Document No. \_\_\_\_\_ (or in Book \_\_\_\_\_ of \_\_\_\_\_ Page \_\_\_\_\_), in the Office of the (County Recorder) (Registrar of Titles) of \_\_\_\_\_ County, Minnesota, for the sale and conveyance of the real property in said County and State described as follows:

\_\_\_\_\_

together with all hereditaments and appurtenances belonging thereto.  
 Grantee hereby assumes and agrees to keep and perform all the covenants made or assumed by Grantor in the Contract for Deed.  
 Grantor hereby covenants that there remains unpaid under the Contract for Deed the principal sum of \$ \_\_\_\_\_ with interest thereon from \_\_\_\_\_, and that Grantor has good right to sell, transfer and assign the Contract for Deed.  
 In addition, Grantor hereby conveys and quit claims the real property to Grantee, including after acquired title.

**GRANTOR**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Affix Deed Tax Stamp Here

STATE OF MINNESOTA }  
 COUNTY OF \_\_\_\_\_ }  Check here if part or all of the land is Registered (Terrace)

The foregoing instrument was acknowledged before me on \_\_\_\_\_ (Date)  
 by \_\_\_\_\_

NOTARIAL STAMP OR SEAL FOR OTHER TITLE OR NAME:

YOUR NOTARIALITY WAS DRAFTED BY CHASE & ASSOCIATES

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT  
 The statements for the real property described in this instrument should be sent to (include name and address of Grantee):

2820.4610 FORM NO. 59 1/2-M: ASSIGNMENT OF CONTRACT FOR DEED AND QUIT CLAIM DEED BY CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY.

Subpart 1. Recommended form. The recommended form for an assignment of a contract for deed and quit claim deed by a corporation, partnership or limited liability company is contained in subpart 2.

Subp. 2. Contents.

Assignment of Contract for Deed and Quit Claim Deed Form No. 59 1/2-M Minnesota Uniform Contracting Form 1-1-15 Co Corporation, Partnership or LLC

No delinquent taxes and transfer entered; Certificate of Real Estate Value ( ) filed ( ) not required. Certificate of Real Estate Value No. (Date) (County Auditor) by: Deputy

(reserved for recording data)

DEED TAX DUE \$ Date:

FOR VALUABLE CONSIDERATION, Grantor, hereby sells, assigns and transfers unto Grantor's interest in that certain Contract for Deed dated and filed for record as Document No. (Date) of Page, in the Office of the (County Recorder) (Registrar of Titles) of County, Minnesota, for the sale and conveyance of the real property in said County and State described as follows:

together with all hereditaments and appurtenances belonging thereto. Grantor hereby assumes and agrees to keep and perform all the covenants made or assumed by Grantor in the Contract for Deed. Grantor hereby covenants that there remains unpaid under the Contract for Deed the principal sum of \$ with interest thereon from (Date) right to sell, transfer and assign the Contract for Deed. In addition, Grantor hereby conveys and quit claims the real property to Grantee, including after acquired title.

GRANTOR

By Its By Its

Affix Deed Tax Stamp Here

STATE OF MINNESOTA COUNTY OF

Check here if part or all of the land is Registered (Torrens) [ ]

The foregoing was acknowledged before me on (Date)

by and the and of under the laws of, on behalf of the

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR NAME) THIS INSTRUMENTARY WAS DRAFTED BY GRASS & ASSOCIATES

REQUIREMENTS FOR PROPER VERIFICATION ACKNOWLEDGMENT Tax Statements for the real property described in this instrument should be sent to the state to check the name and address of Grantee:

# Adopted Rules

## 2820.4710 FORM NO. 79-M: MECHANIC'S LIEN STATEMENT BY INDIVIDUAL.

Subpart 1. Recommended form. The recommended form for a mechanic's lien statement by an individual is contained in subpart 2.

Subp. 2. Contents.

<p style="font-size: small; margin: 0;">Mechanic's Lien Statement Payment to Minn. Stat. § 514.01 Subd. 2 By Individual</p>	<p style="text-align: center; font-size: small; margin: 0;">Form No. 79-M</p>
<h3 style="margin: 0;">MECHANIC'S LIEN STATEMENT</h3>	
<p style="font-size: x-small; margin: 0;">(reserved for recording data)</p>	
<p style="font-size: x-small; margin: 0;">Date _____</p>	
<p>The undersigned hereby gives notice to the public and states as follows:</p>	
<p>1. I am (check one) <input type="checkbox"/> the lien claimant <input type="checkbox"/> a person acting at the instance of the lien claimant.</p>	
<p>2. The lien claimant hereby gives notice of intention to claim and hold a lien upon the land in _____ County, Minnesota, described as follows:</p>	
<p>3. The name and mailing address (and license number, if applicable) of the lien claimant are:</p>	
<p>4. The amount of the lien claimed is \$ _____, and is due and owing to the lien claimant for labor performed or skill, material or machinery furnished to the land.</p>	
<p>5. The lien claimant did or supplied the following:</p>	
<p>6. The lien claimant's contribution to the improvement was performed or furnished from _____ to _____, for or to the following person(s): _____ (date of first item) _____ (date of last item)</p>	
<p>7. The name of the present owner of the land according to the best information lien claimant now has is:</p>	
<p>8. The lien claimant acknowledges that a copy of this statement must be served personally or by certified mail on the owner, the authorized agent of the owner or the person who entered into the contract with the lien claimant within 120 days of doing the last work or furnishing the last item of such skill, material or machinery.</p>	
<p>9. Notice as required by Minnesota Statutes Section 514.011, subd. 2, if any, was given.</p>	
<p>STATE OF MINNESOTA } COUNTY OF _____ } ss. _____</p>	<p style="text-align: center; font-size: x-small;">Signature</p>
<p style="text-align: center; font-size: x-small;">Check here if part or all of the land is Registered (Torrens) <input type="checkbox"/></p>	
<p>_____, being duly sworn, on oath says that I am _____ the lien claimant and have knowledge of the facts in this statement. This statement is made by, or at the instance of, the lien claimant and is true of my own knowledge.</p>	
<p style="text-align: center; font-size: x-small;">Signature</p>	
<p style="text-align: center; font-size: x-small;">Subscribed and sworn to before me on _____</p>	
<p style="text-align: center; font-size: x-small;">(Date)</p>	
<p style="text-align: center; font-size: x-small;">SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL</p>	
<p style="text-align: center; font-size: x-small;">NOTARIAL STAMP OR SEAL OR OTHER TITLE OR NAME</p>	
<p style="font-size: x-small; margin: 0;">THIS STATEMENT WAS DRAFTED BY SHANE &amp; ASSOCIATES</p>	

2820.4720 FORM NO. 80-M: MECHANIC'S LIEN STATEMENT BY CORPORATION OR PARTNERSHIP.

Subpart 1. Recommended form. The recommended form for a mechanic's lien statement by a corporation or partnership is contained in subpart 2.

Subp. 2. Contents.

Mechanic's Lien Statement  
 Pursuant to Minn. Stat. § 514.00 Subd. 2  
 By Corporation or Partnership
 
**Form No. 80-M**
Minnesota Uniform Commercial Code

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## MECHANIC'S LIEN STATEMENT

(reserved for recording data)

---

Date

- The undersigned hereby gives notice to the public and states as follows:
1. I am acting at the instance of the lien claimant, \_\_\_\_\_, n. \_\_\_\_\_ under the laws of the State of \_\_\_\_\_ as its \_\_\_\_\_.
  2. The lien claimant hereby gives notice of intention to claim and hold a lien upon the land in \_\_\_\_\_ County, Minnesota, described as follows: \_\_\_\_\_
  3. The name and mailing address (and license number, if applicable) of the lien claimant are: \_\_\_\_\_
  4. The amount of the lien claimed is \$ \_\_\_\_\_, and is due and owing to the lien claimant for labor performed or skill, material or machinery furnished to the land.
  5. The lien claimant did or supplied the following: \_\_\_\_\_
  6. The lien claimant's contribution to the improvement was performed or furnished from \_\_\_\_\_ to \_\_\_\_\_, for or to the following person(s): \_\_\_\_\_ (date of last item) (date of first item)
  7. The name of the present owner of the land according to the best information lien claimant now has is: \_\_\_\_\_
  8. The lien claimant acknowledges that a copy of this statement must be served personally or by certified mail on the owner, the authorized agent of the owner or the person who entered into the contract with the lien claimant within 120 days of doing the last work or furnishing the last item of such skill, material or machinery.
  9. Notice as required by Minnesota Statutes Section 514.011, subd. 2, if any, was given.

STATE OF MINNESOTA }  
 COUNTY OF \_\_\_\_\_ } ss. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_, being duly sworn, on oath says that I am the \_\_\_\_\_ of the lien claimant and have knowledge of the facts in this statement. This statement is made at the instance of the lien claimant and is true of my own knowledge.

\_\_\_\_\_  
Signature  
 Check here if part or all of the land is Registered (Terrace)   
 \_\_\_\_\_, being duly sworn, on oath says that I am the \_\_\_\_\_ of the lien claimant and have knowledge of the facts in this statement. This statement is made at the instance of the lien claimant and is true of my own knowledge.  
 \_\_\_\_\_  
Signature  
 Subscribed and sworn to before me on \_\_\_\_\_  
(Date)

THIS DISTRICT/STATE WAS CREATED BY CHANGE & ADDRESS

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

OFFICIAL EXAMPER OR SHALL USE OFFICIAL TITLE OR NAME

Adopted Rules

2820.4915 FORM NO. 63-M: STATUTORY SHORT FORM POWER OF ATTORNEY.

Subpart 1. Recommended form. The recommended form for a statutory short form power of attorney is contained in subpart 2. Subp. 2. Contents.

Statutory Short Form Power of Attorney (Minnesota Statutes Section 523.23) **Form 63-M** Minnesota Statutes Section 523.23

**STATUTORY SHORT FORM POWER OF ATTORNEY**  
**Minnesota Statutes Section 523.23**  
**IMPORTANT NOTICE:** The powers granted by this document are broad and sweeping. They are defined in Minnesota Statutes Section 523.24. If you have any questions about these powers, obtain competent advice. This power of attorney may be revoked by you if you wish to do so. This Power of Attorney is automatically terminated if it is to your spouse and proceedings are commenced for dissolution, legal separation or annulment of your marriage. This power of attorney authorizes, but does not require, the attorney-in-fact to act for you.

PRINCIPAL (Name and address of person granting the power)

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**ATTORNEY(S) -IN-FACT**  
 (Name and Address)

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**SUCCESSOR ATTORNEY(S) -IN-FACT (Optional)**  
 To act if any named attorney-in-fact dies, resigns or is otherwise unable to serve  
 (Name and Address)

First Successor \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Second Successor \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**NOTICE:** If more than one attorney-in-fact is designated, make a check or "x" on the line in front of one of the following statements:

\_\_\_\_\_ Each attorney-in-fact may independently exercise the powers granted.  
 \_\_\_\_\_ All attorneys-in-fact must jointly exercise the powers granted.

**EXPIRATION DATE (Optional)**

Use Specific Month    Day    Year Only

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

I (the above named Principal), appoint the above named Attorney(s) -in-Fact to act as my attorney(s) -in-fact:

**FIRST:** To act for me in any way I myself could act with respect to the following matters, as each of them is defined in Minnesota Statutes, Section 523.24:  
 (To grant to the attorney-in-fact any of the following powers, make a check or "x" on the line in front of each power being granted. You may, but need not, cross out each power not granted. Failure to make a check or "x" on the line in front of the power will have the effect of deleting the power unless the line in front of the power of (N) is checked or x-ed.)  
 Check or "X"

\_\_\_\_\_ (A) real property transactions;  
 I choose to limit this power to real property in \_\_\_\_\_ County, Minnesota, described as follows: (Use legal description. Do not use street address.)

(If more space is needed, continue on the back or on an attachment)

- \_\_\_\_\_ (B) tangible personal property transactions;
- \_\_\_\_\_ (C) bond, share, and commodity transactions;
- \_\_\_\_\_ (D) banking transactions;
- \_\_\_\_\_ (E) business operating transactions;
- \_\_\_\_\_ (F) insurance transactions;
- \_\_\_\_\_ (G) beneficiary transactions;
- \_\_\_\_\_ (H) gift transactions;
- \_\_\_\_\_ (I) fiduciary transactions;
- \_\_\_\_\_ (J) claims and litigation;
- \_\_\_\_\_ (K) family maintenance;
- \_\_\_\_\_ (L) benefits from military service;
- \_\_\_\_\_ (M) records, reports, and statements;
- \_\_\_\_\_ (N) all of the powers listed in (A) through (M) above and all other matters.

SECOND: (You must indicate below whether or not this power of attorney will be effective if you become incapacitated or incompetent. Make a check or "x" on the line in front of the statement that expresses your intent.)

- \_\_\_ This power of attorney shall continue to be effective if I become incapacitated or incompetent.
\_\_\_ This power of attorney shall not be effective if I become incapacitated or incompetent.

THIRD: (You must indicate below whether or not this power of attorney authorizes the attorney-in-fact to transfer your property to the attorney-in-fact. Make a check or "x" on the line in front of the statement that expresses your intent.)

- \_\_\_ This power of attorney authorizes the attorney-in-fact to transfer my property to the attorney-in-fact.
\_\_\_ This power of attorney does not authorize the attorney-in-fact to transfer my property to the attorney-in-fact.

FOURTH: (You may indicate below whether or not the attorney-in-fact is required to make an accounting. Make a check or "x" on the line in front of the statement that expresses your intent. (Optional))

- \_\_\_ My attorney-in-fact need not render an accounting unless I request it or the accounting is otherwise required by Minnesota Statutes Section 523.21.

My attorney-in-fact must render \_\_\_\_\_ accountings to me or \_\_\_\_\_
(Monthly, Quarterly, Annual)
(Name and Address)

during my lifetime, and a final accounting to the personal representative of my estate, if any is appointed, after my death.

In Witness Whereof I have hereunto signed my name this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Signature of Principal)

ACKNOWLEDGMENT OF PRINCIPAL

STATE OF MINNESOTA }
COUNTY OF \_\_\_\_\_ } ss.

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,
by \_\_\_\_\_
(Insert Name of Principal)

NOTARIAL STAMP OR SEAL OR OTHER TITLE OR NAME:

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

Specimen Signature of Attorney(s) -in-Fact
(Notarization not required)

THIS INSTRUMENT WAS DRAFTED BY NAME & ADDRESS:

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. Strike outs indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.

# Adopted Rules

## 2820.6605 FORM NO. 106-M: CONSENT OF SPOUSE TO PERSONAL REPRESENTATIVE'S DEED.

Subpart 1. Recommended form. The recommended form for a consent of spouse to personal representative's deed is contained in subpart 2.

Subp. 2. Contents.

Consent of Spouse to Personal Representative's Deed      Form No. 106-M      Minnesota Uniform Conveyance Blanks

### CONSENT OF SPOUSE

\_\_\_\_\_, Spouse of \_\_\_\_\_  
Decedent, consents to this Deed.

\_\_\_\_\_  
Signature of Spouse

STATE OF MINNESOTA }  
COUNTY OF \_\_\_\_\_ } ss.

This instrument was acknowledged before me on \_\_\_\_\_  
(Date)  
by \_\_\_\_\_, spouse of Decedent.

NOTARIAL STAMP OR SEAL FOR OTHER TITLE OR BASIS

\_\_\_\_\_  
SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

**This form cannot be recorded independently. It must be attached to Personal Representative's Deed (Form No. 109-M through Form No. 114-M).**



# Adopted Rules

## 2820.6805 FORM NO. 108-M: DEED OF DISTRIBUTION: PERSONAL REPRESENTATIVE, CORPORATE PERSONAL REPRESENTATIVE.

Subpart 1. Recommended form. The recommended form for a deed of distribution: personal representative, corporate personal representative is contained in subpart 2.

Subp. 2. Contents.

Deed of Distribution: Personal Representative Form No. 108-M Minnesota Uniform Conveyancing II

Corporate Personal Representative Note: This deed should be used only for distribution.

No delinquent taxes and transfer entered: Certificate of Real Estate Value ( ) filed ( ) not required.  
Certificate of Real Estate Value No. \_\_\_\_\_  
(Date) \_\_\_\_\_  
(County Auditor) \_\_\_\_\_  
by: \_\_\_\_\_ Deputy

Date: \_\_\_\_\_

NO DEED TAX DUE

(reserved for recording data)

\_\_\_\_\_ under the laws of \_\_\_\_\_, as Personal Representative of the Estate of \_\_\_\_\_, Decedent, Grantor, conveys to \_\_\_\_\_, Grantee, real property in \_\_\_\_\_ County, Minnesota, described as follows:

\_\_\_\_\_ together with all hereditaments and appurtenances belonging thereto.

**PERSONAL REPRESENTATIVE**

By: \_\_\_\_\_  
Its: \_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF MINNESOTA }  
COUNTY OF \_\_\_\_\_ } as. Check here if part or all of the land is Registered (Terracon)

This instrument was acknowledged before me on \_\_\_\_\_ (Date) \_\_\_\_\_  
by \_\_\_\_\_ and \_\_\_\_\_  
the \_\_\_\_\_ and \_\_\_\_\_  
of \_\_\_\_\_, a \_\_\_\_\_  
under the laws of \_\_\_\_\_, as Personal Representative of the Estate of \_\_\_\_\_, Decedent, on behalf of the \_\_\_\_\_

RECORDING STAMP OR SEAL FOR OTHER TITLE OR BUREAU

RECORDING OFFICE OF SECRETARY PUBLIC OR OTHER OFFICIAL

The Abstracts for the real property described in this instrument should be sent to (include Name and Address of Grantor):

THIS INSTRUMENT WAS DRAFTED BY GRASS & ASSOCIATES

**2820.6905 FORM NO. 109-M: PERSONAL REPRESENTATIVE'S DEED, INDIVIDUAL PERSONAL REPRESENTATIVE(S) to INDIVIDUAL(S).**

Subpart 1. **Recommended form.** The recommended form for a personal representative's deed, individual personal representative(s) to individual(s) is contained in subpart 2.

Subp. 2. **Contents.**

<p style="font-size: small;">Personal Representative's Deed Individual Personal Representative(s) to Individual(s)</p> <p style="text-align: center;"><b>Form No. 109-M</b></p> <p style="font-size: small; text-align: right;">Minnesota Uniform Conveyance (Revised)</p>	<div style="border: 1px solid black; padding: 5px;"> <p>No delinquent taxes and transfer entered; Certificate of Real Estate Value ( ) filed ( ) not required. Certificate of Real Estate Value No. _____ (Date) _____ (County Auditor) _____ by: _____ Deputy</p> </div> <p><b>DEED TAX DUE:</b> \$ _____</p> <p><b>Date:</b> _____</p> <p style="text-align: right;">(reserved for recording data)</p>
<p><b>FOR VALUABLE CONSIDERATION,</b> _____</p> <p>as Personal Representative(s) of the Estate of _____ Decedent, single <input type="checkbox"/> married <input type="checkbox"/> at the time of death (if "married" is checked, attach a Consent of Spouse (Form No. 106-M)), Grantor, conveys to _____, Grantee, real property in _____ County, Minnesota, described as follows:</p>	
<p>together with all hereditaments and appurtenances belonging thereto.</p> <p><input type="checkbox"/> The Seller certifies that the seller does not know of any wells on the described real property.</p> <p><input type="checkbox"/> A well disclosure certificate accompanies this document.</p> <p><input type="checkbox"/> I am familiar with the property described in this instrument and I certify that the names and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.</p>	
<p>Any Deed Tax (Lump Sum) _____</p>	
<p style="text-align: right;"><b>PERSONAL REPRESENTATIVE(S)</b></p> <p>STATE OF MINNESOTA } _____ COUNTY OF _____ } _____</p>	
<p>This instrument was acknowledged before me on _____ (Date)</p> <p>by _____, as Personal Representative(s) of the Estate of _____, Decedent.</p>	
<p style="font-size: x-small;">NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR NAME)</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div> <p style="font-size: x-small;">THIS INSTRUMENT WAS DRAFTED BY NAME &amp; ADDRESS:</p> <div style="border: 1px solid black; height: 60px; width: 100%;"></div>	<p style="font-size: x-small;">SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL</p> <p>Check here if part or all of the land is Registered (Taxes) <input type="checkbox"/></p> <p style="font-size: x-small;">The Recipients for the real property described in this instrument should be sent to (include Name and Address of Grantee):</p>

**Adopted Rules**

**2820.7005 FORM NO. 110-M: PERSONAL REPRESENTATIVE'S DEED, INDIVIDUAL PERSONAL REPRESENTATIVE(S) TO CORPORATION OR PARTNERSHIP, OR LIMITED LIABILITY COMPANY.**

Subpart 1. **Recommended form.** The recommended form for a personal representative's deed, individual personal representative(s) to a corporation or partnership, or a limited liability company is contained in subpart 2.

Subp. 2. **Contents.**

<p style="font-size: small; margin: 0;">Personal Representative's Deed Subpart 2820.7005 (Revised 10/1995) to Corporation or Partnership, or LLC</p> <p style="text-align: center; font-weight: bold; margin: 0;">Form No. 110-M</p> <p style="text-align: right; font-size: small; margin: 0;">Minnesota Uniform Conveyancing Act</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p style="font-size: x-small; margin: 0;">No delinquent taxes and transfer entered; Certificate of Real Estate Value ( ) filed ( ) not required. Certificate of Real Estate Value No. _____ (Date) _____ (County Auditor) _____ by: _____ Deputy</p> </div> <p style="margin-top: 10px;">DEED TAX DUE: \$ _____</p> <p>Date: _____</p> <p>FOR VALUABLE CONSIDERATION, _____</p> <p>as Personal Representative(s) of the Estate of _____ Decedent, single <input type="checkbox"/> married <input type="checkbox"/> at the time of death (if "married" is checked, attach a Consent of Spouse (Form No. 106-M)), Grantor, conveys to _____, Grantee, a _____ under the laws of _____ County, Minnesota, described as follows:</p>	<div style="border: 1px solid black; height: 150px; margin-top: 10px; text-align: center; vertical-align: middle;"> <p style="font-size: x-small; margin: 0;">(reserved for recording data)</p> </div>
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together with all hereditaments and appurtenances belonging thereto.

The Seller certifies that the seller does not know of any wells on the described real property.  
 A well disclosure certificate accompanies this document.  
 I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

Mix Deed Tax Stamp Here

PERSONAL REPRESENTATIVE(S)

STATE OF MINNESOTA } \_\_\_\_\_  
 COUNTY OF \_\_\_\_\_ } = \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_ (Date)  
 by \_\_\_\_\_, as Personal Representative(s)  
 of the Estate of \_\_\_\_\_, Decedent.

FEDERAL STAMP OR SEAL OR OTHER TITLE OR BOND

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

Check here if part or all of the land is Registered (Torrens)  
 The statements for the real property described in this instrument should be sent to (include Name and Address of Grantee):

THE DEFECTIVE COPY WAS RECAPTURED BY GRANTOR'S ADDRESS:





**2820.7305 FORM NO. 113-M: PERSONAL REPRESENTATIVE'S DEED, CORPORATE PERSONAL REPRESENTATIVE TO CORPORATION OR PARTNERSHIP.**

Subpart 1. **Recommended form.** The recommended form for a personal representative's deed, corporate personal representative to a corporation or partnership is contained in subpart 2.

Subp. 2. **Contents.**

<p style="font-size: small; margin: 0;">Personal Representative's Deed Corporate Personal Representative to Corporation or Partnership</p> <p style="text-align: center; font-weight: bold; margin: 0;">Form No. 113-M</p> <p style="text-align: right; font-size: x-small; margin: 0;">Minnesota Uniform Commercial Code § 127A</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p style="font-size: x-small; margin: 0;">No delinquent taxes and transfer entered; Certificate of Real Estate Value ( ) filed ( ) not required. Certificate of Real Estate Value No. _____ (Date) _____ (County Auditor)</p> </div> <p style="margin: 5px 0;">by: _____ Deputy</p> <p style="margin: 5px 0;">DEED TAX DUE: \$ _____</p> <p style="margin: 5px 0;">Date: _____</p> <p style="margin: 5px 0;">FOR VALUABLE CONSIDERATION, _____</p> <p style="margin: 5px 0;">a _____ under the laws of _____, as Personal Representative of the Estate of _____, Decedent, single <input type="checkbox"/> married <input type="checkbox"/> at the time of death (if "married" is checked, attach a Consent of Spouse (Form No. 106-M)), Grantor, conveys to _____</p> <p style="margin: 5px 0;">Grantee, a _____ under the laws of _____, real property in _____ County, Minnesota, described as follows:</p>	<div style="border: 1px solid black; height: 150px; margin: 5px 0;"></div> <p style="text-align: center; font-size: x-small; margin: 5px 0;">(reserved for recording data)</p>
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together with all hereditaments and appurtenances belonging thereto.

The Grantor certifies that the other does not know of any wills on the described real property.

A will disclaimer certificate accompanies this document.

I am familiar with the property described in this instrument and I certify that the names and number of wills on the described real property have not changed since the last previously filed will disclaimer certificate.

Min. Deed Tax Stamp Here

**PERSONAL REPRESENTATIVE**

By: \_\_\_\_\_

Its: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_ (Date)

by \_\_\_\_\_ and \_\_\_\_\_

the \_\_\_\_\_ and \_\_\_\_\_

of \_\_\_\_\_, a \_\_\_\_\_

under the laws of \_\_\_\_\_, Decedent, on behalf of the \_\_\_\_\_

NOTARIAL STAMP OR SEAL FOR OTHER TITLE OR NAME:

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL: \_\_\_\_\_

Check here if part or all of the land is Registered (Torrens)

The Statements for the real property described in this instrument should be sent to (include Name and Address of Grantor):

THIS INSTRUMENT WAS DRAFTED BY GRANTOR & GRANTEE:



2820.9060 FORM NO. 134-M: SUBORDINATION AGREEMENT BY INDIVIDUAL.

Subpart 1. Recommended form. The recommended form for a subordination agreement by an individual is contained in subpart 2.

Subp. 2. Contents.

Subordination Agreement Form No. 134-M Minnesota Uniform Comprehensive Rules - 1995

No. Individual

## SUBORDINATION AGREEMENT

Date: \_\_\_\_\_

(reserved for recording data)

FOR VALUABLE CONSIDERATION, the undersigned hereby subordinates the lien on real property in \_\_\_\_\_ County, Minnesota, described as follows:

which is evidenced by a \_\_\_\_\_ dated \_\_\_\_\_ and filed for record \_\_\_\_\_ as Document Number \_\_\_\_\_ (or in Book \_\_\_\_\_ of \_\_\_\_\_ Page \_\_\_\_\_), in the Office of the (County Recorder) (Registrar of Titles) of the above County, to a subsequent lien evidenced by a \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ in an amount not to exceed \$ \_\_\_\_\_ filed for record as Document Number \_\_\_\_\_ (or in Book \_\_\_\_\_ of \_\_\_\_\_ Page \_\_\_\_\_), in the Office of the (County Recorder) (Registrar of Titles) of the above County.

Check here if part or all of the land is Registered (Torrens)

STATE OF MINNESOTA }  
COUNTY OF \_\_\_\_\_ } ss.

The foregoing was acknowledged before me on \_\_\_\_\_ (Date)

by \_\_\_\_\_

THIS INSTRUMENT WAS DRAFTED BY CHASE & ASSOCIATES

SIGNATURE OF PERSON MAKING ACKNOWLEDGMENT

NOTARIAL STAMP OR SEAL OR OTHER TITLE OR NAME

# Adopted Rules

## 2820.9070 FORM NO. 135-M: SUBORDINATION AGREEMENT BY CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY.

Subpart 1. **Recommended form.** The recommended form for a subordination agreement by a corporation, partnership or limited liability company is contained in subpart 2.

### Subp. 2. Contents.

Subordination Agreement Form No. 135-M Minnesota Uniform Commercial Code: 1-1-19  
By Corporation, Partnership or LLC

### SUBORDINATION AGREEMENT

Date: \_\_\_\_\_ (reserved for recording data)

FOR VALUABLE CONSIDERATION, the undersigned hereby subordinates the lien on real property in \_\_\_\_\_ County, Minnesota, described as follows:

which is evidenced by a \_\_\_\_\_ dated \_\_\_\_\_  
and filed for record \_\_\_\_\_ as Document Number \_\_\_\_\_  
(or in Book \_\_\_\_\_ of \_\_\_\_\_ Page \_\_\_\_\_), in the Office of the (County Recorder)  
(Registrar of Titles) of the above County, to a subsequent lien evidenced by a \_\_\_\_\_  
from \_\_\_\_\_ to \_\_\_\_\_  
in an amount not to exceed \$ \_\_\_\_\_ filed for record as Document Number \_\_\_\_\_  
(or in Book \_\_\_\_\_ of \_\_\_\_\_ Page \_\_\_\_\_), in the Office of the (County Recorder)  
(Registrar of Titles) of the above County.

By \_\_\_\_\_  
Its \_\_\_\_\_  
By \_\_\_\_\_  
Its \_\_\_\_\_

STATE OF MINNESOTA }  
COUNTY OF \_\_\_\_\_ } ss. Check here if part or all of the land is Registered (Terrone)

The foregoing was acknowledged before me on \_\_\_\_\_ (Date)  
by \_\_\_\_\_ and \_\_\_\_\_  
the \_\_\_\_\_ and \_\_\_\_\_  
of \_\_\_\_\_, a \_\_\_\_\_  
under the laws of \_\_\_\_\_, on behalf of the \_\_\_\_\_.

THIS INSTRUMENT WAS DRAFTED BY GRABER & ASSOCIATES  
SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT  
NOTARIAL STAMP OR SEAL OR OTHER TITLE OR MARK

**REPEALER.** *Minnesota Rules*, parts 2820.4730; 2820.4740; 2820.4910; 2820.6600; 2820.6701; 2820.6801; 2820.6900; 2820.7000; 2820.7100; 2820.7200; 2820.7300; and 2820.7400, are repealed.

## Department of Human Services

### Adopted Permanent Rules Governing Licensure of the Minnesota Sexual Psychopathic Personality Treatment Center

The rules proposed and published at *State Register*, Volume 20, Number 4, pages 84-92, July 24, 1995 (20 SR 84), are adopted as proposed.

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

# Official Notices

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Pursuant to the provisions of Minnesota Statutes §14.101, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

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## Minnesota Board on Aging

### Notice of Meetings

NOTICE IS HEREBY GIVEN that the 1996 meetings of the Minnesota Board on Aging will be held at 9:00 a.m., at 444 Lafayette Road, Human Services Building, St. Paul, Minnesota on the following dates:

February 16, 1996

March 15, 1996

April 19, 1996

June 21, 1996

July 19, 1996

September 20, 1996

October 18, 1996

December 20, 1996

For additional information please call 612-296-2770 or 1-800-882-6262.

## Capitol Area Architectural and Planning Board

### Request for Comments on Proposed Changes to Rules Governing Capitol Area Zoning and Design: *Minnesota Rules 2400*

The Capitol Area Architectural and Planning Board (CAAPB) requests comments on planned amendments to *Minnesota Rules* Chapter 2400, which are their rules governing zoning and design in the Capitol Area. These amendments may include rules regulating the process for siting and construction of memorials within the Capitol Area. The boundaries of the Capitol Area are defined in *Minnesota Statutes* 15.50, Subd. 2. Persons and businesses within the Capitol Area may be affected.

Interested persons or groups may submit comments or information on these planned rule changes in writing until 4:30 p.m. on December 1, 1995. The CAAPB is in the process of preparing a draft of the planned rule changes. Written comments, requests for a draft of the proposed changes, or requests for more information should be addressed to:

Paul Mandell  
Capitol Area Architectural and Planning Board  
204 Administration Building  
50 Sherburne Avenue  
St. Paul, MN 55155

The CAAPB will receive oral questions and comments during regular business hours over the telephone at (612) 296-6719 and in person at the above address.

## Ethical Practices Board

### Notice of Solicitation of Comments Regarding Proposed Rules Relating to the Ethics in Government Act *Minnesota Statutes Chapter 10A*

NOTICE IS HEREBY GIVEN that the Ethical Practices Board, an agency of the State of Minnesota, is seeking comments in preparing new rules and amendments to existing rules relating to the administration of the Ethics in Government Act, *Minnesota Statutes Chapt. 10A*.

#### Subjects of rules and statutory authority:

The Board expects to propose new rules or amendments to existing rules which affect all of the Board programs and activities related to administration of the Ethics in Government Act. The areas in which rulemaking is expected to occur can be generally categorized as follows:

Campaign financing, including registration of and reporting by candidates, political funds, and political committees; and administration of the public subsidy program for campaigns and committees. Current rules are at *Minnesota Rules 1993, Chapt. 4500*.

Economic interest disclosure, relating to the requirement that certain state and local officials disclose their economic interests in filings with the Board. Current rules are at *Minnesota Rules 1993, Chapt. 4505*.

Lobbyist and Lobbyist Principal Registration and Reporting. Current rules are at *Minnesota Rules 1993, Chapt. 4510*.

Conflict of interest disclosure, relating to the requirement that certain state and local officials report to the Board on potential conflicts of interest. Current rules are at *Minnesota Rules 1993, Chapt. 4515*.

Representation disclosure, relating to the requirement that certain state and local officials disclose cases in which they represent clients for a fee before a state board, commission, or agency. Current rules are at *Minnesota Rules 1993, Chapt. 4520*.

Hearings before the Board, including filing complaints with the Board and the conduct of Board hearings. Current rules are at *Minnesota Rules 1993, Chapt. 4525*.

Gift prohibition statute administration, including definitions necessary for the interpretation and implementation of *Minnesota Statute § 10A.071* and related statutes. Currently there are no Board rules relating specifically to this statute.

General administration of the Ethics in Government Act, including all other areas of Board responsibility not specifically listed in the categories described above. Currently there is no chapter of general rules related to the Board's responsibilities with respect to the Ethics in Government Act as a whole.

The rulemaking proposal is expected to include rules to facilitate the interpretation, implementation, and administration of statutes governing each of the above generally described areas. In areas where rules exist it is expected that both new rules and amendments to existing rules will be proposed. In other areas, it is expected that new rules will be proposed.

The adoption of these rules is authorized by *Minnesota Statute § 10A.02, Subd. 13*.

#### Types of groups and individuals likely to be affected

Groups and individuals expected to be affected by the rules to be proposed include:

Public officials, local officials of metropolitan governmental units, office holders, candidates, political parties, political committees, political funds, lobbyists and principals (lobbyist principals), and political subdivisions, all as defined in *Minnesota Statute § 10A.01*;

Candidates for public office or for elective local office in a metropolitan governmental unit, treasurers of political committees and funds, the Minnesota Secretary of State, county auditors; and

Any person who may be brought within the above definitions by a rule adopted by the Board or any other person, group, or association regulated by or required to report under the Ethics in Government Act.

#### Comments requested:

The Board seeks comments specifying areas in which interested persons believe rules are needed and regarding the scope, substance, effect, and text of proposed rules. Comments will be received until the publication in the *State Register* of a Notice of Intent to Adopt Rules Without a Hearing or a Notice of Hearing.

**How to comment, obtain copies of draft rules proposals, or be added to the list of persons who want to receive notices of board rulemaking:**

A draft rules proposal is not yet available. It is expected to be available in mid-November, 1995.

## Official Notices

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All published notices, as well as draft rules proposals will be available for review and downloading from the world wide web. Comments may also be submitted via e-mail from this web site. Look for the Board's home page at:

<http://www.state.mn.us/ebranch/epb>

Interested parties may also comment, request a copy of draft rules proposals, or be added to the list of persons requesting future notices of board rulemaking procedures by contacting:

Gary Goldsmith, Assistant Executive Director  
Ethical Practices Board  
First Floor South, Centennial Office Building  
658 Cedar St.  
St. Paul, MN 55155

Electronic Mail: [gary.goldsmith@state.mn.us](mailto:gary.goldsmith@state.mn.us)  
Facsimile machine: (612) 296-1722  
Telephone: (612) 296-1720 or toll free: 800-657-3889  
TDD: (612) 297-5353 - ask for (612) 296-1720

Persons contacting the Board regarding this rulemaking procedure should indicate if they want to receive information by electronic mail, facsimile transmission or United States Mail.

Dated: 16 October 1995

Jeanne Olson, Executive Director  
Ethical Practices Board

## Department of Health

Health Policy and Systems Compliance Division

### Minnesota Health Data Institute, and

### Minnesota Center for Healthcare Electronic Data Interchange

#### Notice Of Solicitation Of Outside Information Or Opinions Regarding An Implementation guide For The ANSI ASC X12 837 Claim Transaction, For Professional Services; Per *Minnesota Statutes, section 62J.56, Subdivision 3*

**Introduction.** NOTICE IS HEREBY GIVEN that the Minnesota Health Data Institute (MHDI) and the Minnesota Department of Health (MDH) are seeking information or opinions from sources outside MHDI in reviewing the implementation guide developed by the Minnesota Center for Healthcare Electronic Data Interchange (MCHE) and its work group. The implementation guide work group, consisting of representatives of payers, providers, software vendors and state agencies, has been meeting since April 1995. The draft implementation guide, which is a description of the conventions of use for electronic commerce in the 837 transaction (for professional but not institutional services), that has been developed by the work group, will be available for comment by interested parties.

Additional guides, for the 837 claim transaction for institutional services, the ANSI ACS X12 835 health care claim payment/advice, ANSI ACS X12 834 health care enrollment, and the ANSI ACS X12 270/271 eligibility transaction sets as listed in *Minnesota Statutes* 62J.56, will be available in the future. Each implementation guide will be announced as it is ready for public comment and review.

**Contact Person.** MHDI and MDH request information and opinions concerning the applicability and functionality of the implementation guide. Interested persons or groups may submit data or views in writing or orally. Written statements should be addressed to Sue Chapin-Strike at MCHE, 910 Piper Jaffray Plaza, 444 Cedar Street, St. Paul, MN 55101, fax 612/222-4209, and Internet at [Sue.Chapin-Strike@MedNet.org](mailto:Sue.Chapin-Strike@MedNet.org). Oral statements will be received during regular business hours over the telephone at 612/228-4381 and in person at the above address.

**Summary Of Issues.** *Minnesota Statute* 62J outlines the advantages of uniform health care electronic data interchange standards, to participants in the health care system. Further, the statute requires participants in the health care system who use electronic billing, enrollment or eligibility transactions to support the ANSI ASCI X12 standards. The statute requires MCHE to provide tech-

nical assistance in the development of implementation guides. MCHE has convened a work group to develop these guides and seeks additional work group members as well as opinions and information on the work products of the group.

The statute also requires that the Commissioner of Health, with the advice of the Minnesota Administrative Uniformity Committee and MCHE, shall review and recommend the use of guides to implement the core transaction sets as listed in Statute 62J.56 subdivision 2, parts 1 through 4. Six months from the date the Commissioner formally recommends the use of guides to implement core transaction sets, all category I and category II industry participants (defined in Statute 62J.51 subdivisions 4 and 5), except pharmacists, shall be able to accept or submit, as appropriate, the ANSI ASC X12 transaction sets. The statute does not require a group purchaser, health care provider or employer to use electronic data interchange or to have the capability to do so. This section applies only to the extent that a group purchaser, health care provider or employer chooses to use electronic data interchange.

**Review Process.** MDH will provide copies of the draft implementation guides for each of the above transactions in paper, diskette or electronic format to persons and organizations interested in reviewing them against their current data requirements. The initial draft implementation guide, which will be available as of October 16, 1995, will be for the 837 claim transaction, for professional services only. Comments and suggestions for improvements on this document will be accepted at the above address until Friday, December 22, 1995. On or before January 22, 1996, persons or organizations commenting on the draft implementation guide will be invited to a meeting to address substantive issues raised. If a functional business requirement has been overlooked, the document may be amended to support that functional need. This amendment process will be repeated for each of the transaction implementation guides as they are developed by MCHE and the work group.

**How To Obtain The Draft Implementation Guide Document.** Persons who wish to obtain a paper copy or diskette should call Denine Casserly, MDH at 612/282-5651 or fax a request to 612/282-5628 or write at the address above. The diskette format will be in Adobe Acrobat portable data file format with an included reader. Persons requesting this format must specify whether they want a Windows, DOS or Unix reader. The document and the readers will also be available on the World Wide Web at <http://www.mhdi.com>.

Dated: 11 October 1995

Dale V. Shaller  
Executive Director, MHDI  
Anne M. Barry  
Commissioner of Health

## **Housing Finance Agency**

## **Department of Economic Security**

## **Department of Trade and Economic Development**

### **Notice of Public Comment on the Proposed Minnesota Consolidated Housing and Community Development Plan (Program Year 1996) and the Minnesota Consolidated Plan Annual Performance Report (Program Year 1995) Public Notice**

The Minnesota Housing Finance Agency (MHFA), the Department of Economic Security (DES) and the Department of Trade and Economic Development (DTEd) announce the availability of the 1996 Program Year Consolidated Housing and Community Development Plan, and 1995 Program Year Consolidated Plan Annual Performance Report for review and public comment between November 11, 1995, and December 11, 1995.

The Consolidated Plan is a condition of funding under several programs administered by the Department of Housing and Urban Development (HUD).

The performance report provides information on housing and community development assistance activity in Minnesota that occurred in the 1995 program year (10/1/94 through 9/30/95). Information is provided on funds (state and federal) that were disbursed through state agencies during that time.

## Official Notices

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These formula grant programs are covered by the Consolidated Plan:

- The Community Development Block Grant (CDBG) programs;
- The Emergency Shelter Grants (ESG) program; and
- The HOME Investment Partnerships (HOME) program.

In accordance with the HUD regulation for the Consolidated Plan, the following elements are included:

- the state's projected housing needs for the year 2005;
- a description of the current housing needs for specific populations, income groups, and for the homeless;
- estimates of the number of specific households with lead-based paint hazards;
- general characteristics of the Minnesota housing market;
- an inventory of homeless facilities;
- factors that affect the housing market, including the use of low income tax credits and barriers to affordable housing;
- a description of the institutional structure through which the state will administer HUD programs, and resources that will be available to help the state to address its needs;
- an identification of the state's priority housing needs, and objectives in meeting these needs;
- an identification of homeless and community development priority needs;
- a description of other steps to meet these priority needs; and
- an action plan which describes how the HUD programs will be administered.

Beginning November 11, 1995, interested parties may request a partial or full copy of the Consolidated Plan or the Consolidated Plan Annual Performance Report by calling 612/296-7608 (Telephone Device for the Deaf: 612/297-2361).

Copies of the Consolidated Plan or the Consolidated Plan Annual Performance Report may also be found at the following locations:

### LIBRARIES

Arrowhead Library System  
701 11th Street North  
Virginia, MN 55792-2298

Bemidji Public Library  
6th & Beltrami  
Bemidji, MN 56601

Duluth Public Library  
520 West Superior Street  
Duluth, MN 55802

East Central Regional Library  
244 South Birch  
Cambridge, MN 55008-1588

East Lake Branch Library  
2727 East Lake Street  
Minneapolis, MN 55406

Franklin Branch Library  
1314 Franklin Avenue East  
Minneapolis, MN 55404

Grand Marais Public Library  
First Street & West Second Avenue  
P.O. Box 280  
Grand Marais, MN 55604-0280

Great River Regional Library  
405 St. Germain  
St. Cloud, MN 56301

Minnesota Valley Regional Library  
100 E. Main Street  
Mankato, MN 56002

Nobles County Library  
Post Office Box 99  
Worthington, MN 56187

Northwest Regional Library  
101 East First Street  
Thief River Falls, MN 56701-2041

Owatonna/Steele County Library  
105 North Elm Street, Box 387  
Owatonna, MN 55060-7488

Pioneerland Public Library System  
410 W. 5th Street  
Willmar, MN 56201

Red Wing Public Library  
225 East Avenue  
Red Wing, MN 55066-2298

Rice Street Branch Library  
995 Rice Street  
St. Paul, MN 55117

Riverview Branch Library  
1 East George Street  
St. Paul, MN 55107

Hosmer Branch Library  
347 East 36th Street  
Minneapolis, MN 55408

Lake Agassiz Regional Library  
115 S. 6th Street, Box 699  
Moorhead, MN 56560

Lexington Branch Library  
1080 University Avenue W.  
St. Paul, MN 55104

Marshall-Lyon County Library  
301 West Lyon Street  
Marshall, MN 56258

Merriam Park Branch Library  
1831 Marshall Avenue  
St. Paul, MN 55104

Minneapolis Public Library  
300 Nicollet Mall  
Minneapolis, MN 55401

#### **RDC**

Northwest RDC  
525 Brooks Avenue South  
Thief River Falls, MN 56701-2734

Headwaters RDC  
P.O. Box 906  
Bemidji, MN 56601-0906

Arrowhead RDC  
330 Canal Park Drive  
Duluth, MN 55802-2316

Mid-Minnesota  
333 West Sixth Street  
Willmar, MN 56201-9999

Upper Minnesota Valley RDC  
323 West Schlieman  
Appleton, MN 56208-1299

#### **HOUSING PARTNERSHIP NETWORK OFFICES**

Tri-Valley Opportunity Council  
PO Box 607  
Crookston, MN 56716

Northeast MN Housing Partnership  
Box 818  
Tower, MN 55790

Southwest MN Housing Partnership  
2524 Broadway Avenue, Box 265  
Slayton, MN 56172

#### **MINNESOTA INITIATIVE OFFICES**

Northwest MN Initiative Fund  
722 Paul Bunyan Drive  
Bemidji, MN 56601

Rochester Public Library  
11 First Street SE  
Rochester, MN 55901

Sumner Branch Library  
611 Emerson Avenue North  
Minneapolis, MN 55411

St. Paul Public Library  
90 West 4th Street  
St. Paul, MN 55102

Washburn Branch Library  
5244 Lyndale Avenue South  
Minneapolis, MN 55419

West Seventh Popular Branch Library  
265 Oneida Street  
St. Paul, MN 55102

Winona Public Library  
151 West 5th Street  
Winona, MN 55987

East Central RDC  
100 South Park Street  
Mora, MN 55051-1431

South West RDC  
P.O. Box 265  
Slayton, MN 56172-0265

Region Nine  
P.O. 3367  
Mankato, MN 56002-3367

Metro Council  
230 East Fifth Street  
St. Paul, MN 55101-1634

Region II Development Corp  
PO Box 1353  
Bemidji, MN 56601

Central Minnesota Housing Partnership  
PO Box 642  
St. Cloud, MN 56302

West Central Minnesota Housing Partnership  
Norwest Bank Building, Suite B-3  
220 West Washington Ave.  
Fergus Falls, MN 56537

Southeastern MN Housing Network Project  
c/o Three Rivers CAP  
1414 North Star Drive  
Zumbrota, MN 55992

Northland Foundation  
332 W. Superior St., Ste 600  
Duluth 55802

## Official Notices

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West Central MN Initiative Fund  
220 W. Washington, Ste 205  
Fergus Falls 56537

Southwest MN Initiative Fund  
PO Box 130  
Granite Falls 56241

### COUNCILS AND ASSOCIATIONS

Spanish Speaking Affairs Council  
506 Rice St.  
St. Paul, MN 55103

Council on Black Minnesotans  
426 Wright Bldg.  
2233 University Ave.  
St. Paul, MN 55114

Centro Cultural Chicano  
2201 Nicollet Avenue South  
Minneapolis, MN 55404

Upper Midwest American Indian Center  
1113 West Broadway  
Minneapolis, MN 55411

Central MN Initiative Fund  
58 East Broadway, Box 59  
Little Falls, MN 56345

Southeastern MN Initiative Fund  
510 West Hills Circle  
Owatonna, MN 55060

Asian Pacific Minnesotans  
100 Meridian Bank  
205 Aurora Ave.  
St. Paul, MN 55103

MHFA  
400 Sibley Street, Suite 300  
St. Paul, MN 55101

CLUES (Chicanos Latinos Unidos En Servicio)  
220 South Robert Street, Suite 103  
St. Paul, MN 55107

American Indian Housing Corporation  
1305 East 24th Street  
Minneapolis, MN 55404

Written or oral comments on the proposed Consolidated Plan and the Consolidated Plan Annual Performance Report will be taken by MHFA from November 11, 1995, through December 11, 1995. Comments should be directed to: C.J. Eisenbarth Hager, MHFA, 400 Sibley Street, Suite 300, St. Paul, MN 55101, phone: 612/296-8147, FAX: 612/296-8139, or Telephone Device for the Deaf (TDD): 612/297-2361.

## Department of Labor and Industry

### Labor Standards Division

### Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective October 23, 1995 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

**Blue Earth:** Chilled Water Piping Extension to Armstrong Hall Mankato State University-Mankato; Blue Earth County Government Buildings 204 5th St No-Mankato.

**Crow Wing:** Pipe Insulation Work Franklin School & Nisswa School ISD 181-Brainerd & Nisswa; Storm Sewer Work Washington School ISD 181-Brainerd.

**Dakota:** Peak Alert Generation for Middle School #6 ISD 196-Rosemount.

**Kandiyohi:** Willmar LP Gas Upgrade-Willmar.

**Polk:** ADA Upgrades Elevators/Lifts-Crookston; ADA Upgrades Ramp Kiehle Hall Public Toilets Bede Hall-Crookston.

**Stearns:** Demolition of Former Robel Meat Packing Facility-St Cloud; St Cloud MCF Steam Pipe Replacement-St Cloud; Handicapped Accessibility Elevator Upgrades, Mitchell & Sherburne Halls-St Cloud.

**Watonwan:** County Facilities Electrical Upgrades-St James.

Copies of the certified wage rate for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

Gary W. Bastian, Commissioner

## **Metropolitan Council**

### **Public Hearing on a Revision in the 1996-97 Portion of the Regional Recreation Open Space Capital Improvement Program (CIP) for Calendar Years 1996-2005**

The Metropolitan Council's Community Development Committee will hold a public hearing on a revision in the 1996-97 portion of the Regional Recreation Open Space Capital Improvement Program (CIP) for Calendar Years 1996-2005. This hearing will be held on Monday, November 27, 1995, 12 Noon, in Conference Room 1-A at the Council offices, Mears Park Centre, 230 E. Fifth St., St. Paul. The CIP may affect the standards for determining projects of metropolitan significance in the Metropolitan Significance Rules.

Interested persons are encouraged to attend the hearing and offer comments. People may register in advance to speak by calling Ellie Porter at 291-6312 or 291-0904 (TTY). Upon request, the Council will provide reasonable accommodations to persons with disabilities. Written comments, which must be received by 4:30 p.m., December 11, 1995, should be sent to Arne Stefferud, Metropolitan Council, 230 E. Fifth St., St. Paul, MN 55101. Copies of the public hearing document (Publication No. 32-95-046) are available for review at major public libraries in the seven-county Twin Cities Metropolitan Area or by contacting the Council's Data Center at 291-8140 or 291-0904 (TTY).

## **Minnesota Comprehensive Health Association**

### **Notice of Actuarial Committee Meeting**

**NOTICE IS HEREBY GIVEN** that a meeting of the Actuarial Committee of the Minnesota Comprehensive Health Association (MCHA), will convene at 1:00 p.m. on Wednesday, November 1, 1995 at Blue Cross Blue Shield of Minnesota, 3535 Blue Cross Road, Eagan, Minnesota, in sixth floor, dining room.

For additional information please call Lynn Gruber at (612) 593-9609.

## **Public Employees Retirement Association**

### **Board of Trustees, Notice of Meeting**

A meeting of the Legislative Committee of the Board of Trustees of the Public Employees Retirement Association (PERA) will be held on Tuesday, October 31, 1995, at 10:00 a.m. in the offices of the association.

## **Pollution Control Agency**

### **Air Quality Division**

### **Notice Requesting Outside Information or Opinions Regarding Proposed Rules Governing Air Quality Continuous Monitoring Systems, *Minnesota Rules* ch. 7017**

**Introduction.** The Minnesota Pollution Control Agency (MPCA) requests comments on its planned rules governing air quality continuous monitoring systems. The MPCA is planning to develop a new air quality continuous monitoring systems rule and will repeal the current rule, *Minnesota Rules* 7017.1000.

**Subject Matter.** Continuous monitoring systems include continuous emission monitors, continuous opacity monitoring systems and continuous parameter monitoring systems (e.g. temperature, pressure drop, fuel usage or any other parameter that can correlate to emissions). The planned rule will govern such topics as: certification of monitoring systems, and quality assurance/quality control requirements (including calibration, relative accuracy, calibration drift, cylinder gas audits, and relative accuracy test audits). The planned rule will also govern sampling frequency, monitor installation, monitor operation, pretest requirements for relative accuracy tests, certification tests, and recordkeeping and reporting.

## Official Notices

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**Groups and Individuals Likely to be Affected.** The planned rule is likely to affect the owners and operators of air emission facilities that are currently or anticipate being required to install and operate an air quality continuous monitoring system by either an air emission permit or an applicable federal or state air quality rule.

**Statutory Authority.** *Minnesota Statute* § 116.07, subd. 4, authorizes the MPCA to adopt rules and standards for the prevention, abatement and control of air pollution.

**When, Where, and How to Comment.** Interested persons or groups may submit comments or information on the planned rule in writing or orally until 4:30 p.m. November 22, 1995. The MPCA has not yet prepared a draft of the planned rule. Written comments and requests for more information on this planned rule should be addressed to:

Steve Sommer  
Minnesota Pollution Control Agency  
Air Quality Division  
520 Lafayette Road North  
St. Paul, Minnesota 55155-4194

The MPCA will receive statements and questions during regular business hours over the telephone at (612) 282-5851 and in person at the above address.

Any written material received by the MPCA shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

**Advisory Work Group.** The MPCA intends to form an advisory work group to assist it in developing the rule. Persons interested in volunteering to participate on the advisory work group should contact Steve Sommer by 4:30 p.m. on November 22, 1995, at the address or telephone number listed above. The MPCA plans to hold the first work group meeting in December 1995. A notice containing directions, details of the first meeting and background materials will be sent the week before the meeting to persons selected as work group members.

**Proposed Rule Completion Date.** The MPCA plans to complete this rule by late summer of 1996. If the rule become controversial the MPCA anticipates the completion date to be December 1996.

Charles W. Williams  
Commissioner

## Pollution Control Agency

### Public Notice on Proposed Air Emission Facility State General Permit

**NOTICE IS HEREBY GIVEN**, that the Commissioner of the Minnesota Pollution Control Agency (MPCA) proposes to issue an air emission general permit for the grain and feed industry. The issuance of this general permit is authorized by *Minnesota Rules* 7007.1100, subp.1, which allows the MPCA to issue a general permit if "numerous and similar stationary sources are subject to substantially similar regulatory requirements..." The general permit allows a Permittee to construct, operate, and modify, as applicable, a stationary source. The permit action is a State permit, therefore the permit has been placed on public notice.

The emission units authorized in this general permit include grain receiving, handling, processing, and shipping equipment; animal feed processing equipment; boilers with a rated capacity of not more than 100 million Btu per hour; gasoline storage tanks with a rated capacity of not more than 75 m<sup>3</sup> (unless constructed, modified, or reconstructed prior to July 23, 1984); and insignificant activities as described in *Minnesota Rules* 7007.1300.

A summary of limits and other requirements with which a Permittee must comply to be eligible for the general permit follows:

Be a stationary source requiring an air emissions permit only because of grain/seed handling and/or feed mill operations (Standard Industrial Classification (SIC) code 5153 as well as some facilities with SIC codes of 2048 and 5159). Flour mill operations are not covered by this general permit.

Types and quantities of fuels used at the facility are limited to only the following:

Natural gas - 1.414 billion cubic feet per year based on a twelve month rolling sum.

Propane (LPG) - 12.716 million gallons per year based on a twelve month rolling sum.

Distillate oil - 2.757 million gallons per year based on a twelve month rolling sum.

Emissions of particulate matter (PM) and particulate matter less than 10 microns ( $PM_{10}$ ) must be less than 100 tons per year, based on a twelve month rolling sum.

No more than one million gallons of gasoline may be distributed per 12-month period, in bulk, from storage tanks located at the facility.

Maintain records to show compliance, as specified in the general permit.

Submit reports, pay fees, and notify the Commissioner of any shutdowns, breakdowns, or deviations endangering human health, as specified in the general permit.

Application requirements for the proposed general permit are different than those for an individual permit, as outlined in the supporting documentation for the general permit. Draft copies of the proposed new forms are also available for review. These forms will be updated periodically, but will continue to contain the elements discussed in the supporting documentation needed to determine eligibility for the general permit.

The preliminary determination to issue the air emission general permit is tentative. There are four formal procedures for public participation in the Agency's consideration of the permit application. These procedures are set forth in *Minnesota Rules 7007.0850*, subp. 3. First, interested persons may submit written comments on the proposed permit. Second, interested persons may request that approval of this permit be placed on the agenda of an Agency board meeting. Third, interested persons may request the Agency to hold a public information meeting. Fourth, interested persons may request the Agency to hold a contested case hearing, which is conducted by the Office of Administrative Hearings pursuant to the Administrative Procedures Act.

Interested persons who submit comments or requests to the Agency shall set forth:

1. a statement of the person's interest in the permit application or the draft permit;
2. a statement of the action the person wishes the Agency to take, including specific references to the section of the draft permit that the person believes should be changed; and
3. the reasons supporting the person's position, stated with sufficient specificity as to allow the Manager of the Air Quality Division to investigate the merits of the person's position(s).

The public comment period commences October 31, 1995, and terminates November 29, 1995.

All comments and requests should be mailed to:

Toni Volkmeier  
Air Quality Division  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155

All written comments and requests for an Agency Board meeting, a public information meeting or contested case hearing received during the public comment period will be considered by the Manager, Air Quality Division. The Manager of the Air Quality Division will issue a final determination in a timely manner after the expiration of the public comment period.

A copy of the draft permit, supporting documents, or application forms will be mailed to any interested person upon the Agency's receipt of a written request. Materials relating to the issuance of this permit are also available for inspection between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday at the following locations:

- Minnesota Pollution Control Agency, Air Quality Division, 520 Lafayette Road North, St. Paul, Minnesota 55155, phone (612) 297-7708;
- MPCA Northeast Regional Office, Duluth Government Services Center, Room 704, 302 West Second Street, Duluth, Minnesota 55802, phone (218)723-4660;
- MPCA North Central Regional Office, 1601 Minnesota Drive, Brainerd, Minnesota 56401, phone (218)828-2492;
- MPCA Northwest Regional Office, Lake Avenue Plaza, 714 Lake Avenue, Suite 220, Detroit Lakes, Minnesota 56501, phone (218)847-1519;
- MPCA Southwest Regional Office, 700 North 7th Street, Marshall, Minnesota 56258, phone (507)537-7146; and
- MPCA Southeast Regional Office, 2116 Campus Drive Southeast, Rochester, Minnesota 55904, phone (507)285-7343.

Charles W. Williams  
Commissioner  
Minnesota Pollution Control Agency

## Pollution Control Agency

### Public Notice on Proposed Air Emission Facility Part 70 General Permit

**NOTICE IS HEREBY GIVEN**, that the Commissioner of the Minnesota Pollution Control Agency (MPCA) proposes to issue a general permit governing stationary general manufacturing sources. The issuance of this general permit is authorized by *Minnesota Rules 7007.1100*, subp. 1, which allows the MPCA to issue a general permit if "numerous and similar stationary sources are subject to substantially similar regulatory requirements. . ." The general permit applies to new and existing sources.

The stationary sources eligible for the proposed general permit are major sources as defined in *Minnesota Rules 7007.0200*. The general permit also covers sources required to obtain permits by *Minnesota Rules 7007.0250*.

The proposed general permit contains federally enforceable conditions to limit the potential-to-emit (PTE) of volatile organic compounds (VOCs) to less than a 12-month rolling sum of 250 tons and all other criteria pollutants to less than 100 tons each. The criteria pollutants are particulate matter less than 10 microns (PM<sub>10</sub>), carbon monoxide (CO), nitrogen oxides (NO<sub>x</sub>), sulfur dioxide (SO<sub>2</sub>), lead (Pb), and ozone (VOC-volatile organic compounds). Each stationary source is a nonmajor as defined in 40 CFR § 52.21 Prevention of Significant Deterioration (*Minnesota Rules 7007.3000*) and 40 CFR § 52.24 Nonattainment Area Review, therefore, New Source Review (NSR) requirements do not apply.

Each stationary source eligible for the proposed general permit may include the following types of equipment and activities for which a permit is required by *Minnesota Rules 7007.0150*: spray guns, spray booths, painting/coating, degreasers, cleaning of surfaces, abrasive blasting, acid cleaning surfaces, fuel storage, boilers, catalytic and thermal afterburners, internal combustion engines (generators), fabric filters, wall filters, burnoff ovens, furnaces, space heaters, ovens, soldering, welding, brazing, engine testing, screen printing, stenciling, storage tanks, unpaved roads and parking lots, and other insignificant activities listed in *Minnesota Rules 7007.1300*.

A stationary source is not eligible for the proposed general permit, or ceases to be eligible for the proposed general permit, if any of the following are true:

1. The stationary source has an emissions unit other than those described above.
2. The stationary source has an emission unit subject to a Standard of Performance for New Stationary Sources in 40 CFR pt. 60 already adopted or to be promulgated, other than 40 CFR pt. 60, subp. Dc for small boilers, subp. Kb for liquid storage tanks, or subp. Jj for cold cleaning machine operations.
3. The stationary source is affected by a 40 CFR pt. 63 National Emission Standard for Hazardous Air Pollutants (NESHAP) already adopted or to be promulgated, other than the following:
  - internal combustion engines
  - industrial boilers
  - institutional/commercial boilers
  - process heaters
  - halogenated solvent cleaners
  - engine test facilities
  - paint stripper uses
  - miscellaneous metal parts and products for surfaces coating
4. The stationary source is subject to a case-by-case maximum achievable control technology standards (MACT) determination.
5. The stationary source uses painting or coating materials that contain lead.
6. The stationary source includes a type of control equipment not covered in the proposed general permit.
7. The stationary source is one of the following types of source:
  - a. Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input
  - b. coal cleaning plants (with thermal dryers)
  - c. kraft pulp mills
  - d. portland cement plants
  - e. primary zinc smelters
  - f. iron and steel mill plants

- g. primary aluminum ore reduction plants
- h. primary copper smelters
- i. municipal incinerators capable of charging more than 250 tons of refuse per day
- j. hydrofluoric, sulfuric, and nitric acid plants
- k. petroleum refineries
- l. lime plants
- m. phosphate rock processing plants
- n. coke oven batteries
- o. sulfur recovery plants
- p. carbon black plants (furnace process)
- q. primary lead smelters
- r. fuel conversion plants
- s. sintering plants
- t. secondary metal production plants
- u. chemical process plants
- v. fossil fuel boilers (or combinations thereof) totaling more than 250 million British thermal units per hour heat input
- w. petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels
- x. taconite ore processing plants
- y. glass fiber processing plants
- z. charcoal production plants

8. The stationary source emits at any time a 12-month rolling sum of more than 250 tons of VOCs and 100 tons of PM<sub>10</sub>, CO, NO<sub>x</sub>, SO<sub>2</sub> and Pb.

A summary of the highest allowable PTE rates in tpy for each stationary source described in the proposed general permit are as follows:

Pollutant	PM <sub>10</sub>	SO <sub>2</sub>	NO <sub>x</sub>	VOC	CO	Pb
Total Facility PTE	99	99	99	249	99	99

As allowed by *Minnesota Rules* 7007.1100, subp. 5, the MPCA has developed a source-specific permit application that does not include all the required information given in *Minnesota Rules* 7007.0100 to 7007.1850. The differences between the application requirements and this general permit application are discussed in the Technical Support Document. The MPCA has developed application forms tailored to this general permit which the MPCA plans to use. The application forms and worksheets will be updated periodically, but will continue to contain the elements discussed in the Technical Support Document needed to determine eligibility for the general permit.

The overall general permit contains each applicable requirement that could apply to eligible stationary sources. Based upon the information in the permit application, certain geographic requirements that do not apply to a particular source's location will not be included in the general permit issued to that source. If a source is located outside the Minneapolis-St. Paul Air Quality Control Region, it will receive a general permit that does not include requirements that only apply to that region. Similarly, for sources located in the Minneapolis-St. Paul Air Quality

Control Region, requirements that only apply outside the Twin Cities region will not be included in the general permit issue to the source. This will reduce unnecessary material in the general permits issued that could confuse a source.

The preliminary determination to issue the general permit is tentative. There are four formal procedures for public participation in the MPCA's consideration of the proposed general permit. These procedures are set forth in *Minnesota Rules* 7007.0850, subp. 3. First, interested persons may submit written comments on the proposed permit. Second, interested persons may request that

## Official Notices

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approval of this permit be placed on the agenda of an MPCA Board meeting. Third, interested persons may request the MPCA to hold a public information meeting. Fourth, interested persons may request the MPCA to hold a contested case hearing, which is a trial like proceeding conducted by judge from the Office of Administrative Hearings pursuant to the Administrative Procedures Act.

Interested persons who submit comments or requests to the MPCA shall set forth:

1. a statement of the person's interest in the draft general permit;
2. a statement of the action the person wishes the MPCA to take, including specific references to the section of the draft permit that the person believes should be changed; and
3. the reasons supporting the person's position, stated with sufficient specificity as to allow the Manager of the Air Quality Division to investigate the merits of the person's position(s).

The public comment period commences October 24, 1995 and terminates November 22, 1995. Comments and requests should be mailed to:

Amrill S. Okonkwo  
Air Quality Division  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155

All written comments and requests for an Agency Board meeting, public information meeting or contested case hearing received during the public comment period will be considered by the Manager, Air Quality Division. The Manager of the Air Quality Division will issue a final determination in a timely manner after the expiration of the public comment period.

A copy of the draft general permit will be mailed to any interested person upon the MPCA's receipt of a written request. A copy of additional materials relating to the issuance of this general permit, including the Technical Support Document and proposed permit application forms, are available upon request or for inspection at the Minnesota Pollution Control Agency, Air Quality Division, 520 Lafayette Road North, St. Paul, Minnesota 55155, phone (612)282-2603, and at the MPCA's Regional Offices at the following addresses and phone numbers between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

### MPCA Regional Offices:

- |          |  |
|----------|--|
| Region 1 | Duluth Government Center<br>Room 704<br>320 West Second Street<br>Duluth, Minnesota 55802<br>Phone (218)723-4660 |
| Region 2 | 1601 Minnesota Drive<br>Brainerd, Minnesota 56401<br>Phone (218)828-2492   |
| Region 3 | Lake Avenue Plaza<br>714 Lake Avenue<br>Suite 220<br>Detroit Lakes, Minnesota 56501<br>Phone (218)847-1519       |
| Region 4 | 700 North Seventh Street<br>Marshall, Minnesota 56258<br>Phone (507)537-7146 or (507)537-7147                    |
| Region 5 | 2116 Campus Drive Southeast<br>Rochester, Minnesota 55904<br>Phone (507)285-7343                                 |

Charles W. Williams  
Commissioner

## **Pollution Control Agency**

### **Air Quality Division**

#### **Notice Requesting Outside Information or Opinions Regarding Proposed Rules Governing National Emission Standards for Hazardous Air Pollutants for Source Categories**

The Minnesota Pollution Control Agency (MPCA) requests comments in preparing to propose the adoption of rules governing National Emission Standards for Hazardous Air Pollutants (NESHAPs) for Source Categories. Section 112 of the federal Clean Air Act mandates that the U.S. Environmental Protection Agency (EPA) develop technology based standards for major industrial sources that emit any of a list of 189 hazardous air pollutants. The technology based standards, referred to as maximum achievable control technology standards, will be embodied in the NESHAPs for Source Categories. EPA intends to write regulations for 174 source categories. As of September 15, 1995, there are 14 NESHAPs for Source Categories and General Provisions governing NESHAPs for Source Categories that are final and are now in effect. The NESHAPs for Source Categories are:

1. Perchloroethylene Dry Cleaning Facilities
2. Coke Oven Batteries
3. Organic Hazardous Air Pollutant from the Synthetic Organic Chemical Manufacturing Industry and Other Processes Subject to the Negotiated Regulation for Equipment Leaks
4. Industrial Process Cooling Towers
5. Halogenated Solvent Cleaning
6. Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tank
7. Magnetic Tape Manufacturing Operations
8. Ethylene Oxide Commercial Sterilization and Fumigation Operations
9. Gasoline Distribution (Bulk Terminals and Pipeline Breakout Stations)
10. Epoxy Resins Production and Non-nylon Polyamides Production (Polymers and Resins II)
11. Aerospace Manufacturing and Rework Industry
12. Petroleum Refineries
13. Marine Tank Vessel Loading and Unloading Operations
14. Secondary Lead Smelters

The MPCA plans to incorporate the federal rules into state law so that the state can receive delegation from EPA to implement and enforce the NESHAPs for Source Categories in the state of Minnesota. The MPCA plans to incorporate the above NESHAPs by reference into state rules, and also plans to incorporate into state rules any other NESHAPs that become final before the MPCA proposes these rules. The proposed rules would likely affect any business that is subject to the federal NESHAPs, such as the dry cleaning industry, chromium electroplating industry and ethylene oxide commercial sterilization operations and other industries listed above.

*Minnesota Statute* § 116.07, subd. 4, authorizes the MPCA to adopt rules and standards for the prevention, abatement or control of air pollution.

Interested persons or groups may submit comments or information on this planned rule in writing or orally until 4:30 p.m. on November 22, 1995. The MPCA has not yet prepared a draft of the planned rule. Written comments and requests for more information on this planned rule should be addressed to:

Sherryl Livingston  
 Air Quality Division  
 Minnesota Pollution Control Agency  
 520 Lafayette Road North  
 St. Paul, Minnesota 55155-4194

The MPCA will receive oral statements and questions during regular business hours over the telephone at (612) 296-7832 and in person at the above address.

## Official Notices

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Any written material received by the MPCA shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

The MPCA does not intend to form an advisory work group on this planned rule.

The MPCA plans to complete this rule by March 1996. If the rule becomes controversial the MPCA anticipates the completion date to be June 1996.

Charles W. Williams  
Commissioner

## Department of Trade and Economic Development

### Business and Community Development Division

#### Request for Comments on Proposed Amendment to Rule Governing Community Block Grants, *Minnesota Rules Chapter 4300-4300.3200*

The Minnesota Department of Trade and Economic Development (DTED) requests comments on its planned amendment rule governing Community Block Grants. The Department is considering rule amendments that would provide the Commissioner of DTED the flexibility and professional discretion to distribute funding awards in a manner that would achieve the greatest benefit to the citizens of Minnesota based upon need, available opportunities and economic/social conditions. Rule amendments may consider a revision of eligibility criteria and thresholds in determining funding awards.

The amendment to the rule would likely affect Businesses, Local Entities of Government, Economic Developers and HRA's. The Department does not contemplate appointing an advisory committee to comment on the planned rule.

*Minnesota Statutes*, section 116J.035 authorizes the Department to adopt rules as necessary to carry out the Commissioner's duties and responsibilities under this chapter.

Interested persons or groups may submit comments on this planned rule in writing until 4:30 p.m. on November 22, 1995. The Department has not yet prepared a draft of the planned rule amendment. Written comments, questions and requests for more information should be addressed to: Jeffrey Rageth, Department of Trade and Economic Development, 500 Metro Square, 121 7th Place East, St. Paul, MN 55101-2146, 296-4039. Comments submitted to this notice will not be included in the formal rulemaking record when a proceeding to adopt a rule is started.

## Department of Transportation

### Notice of Availability of a Historic Bridge Pursuant to the Surface Transportation and Uniform Assistance Act of 1987, Section 123(f)

The Minnesota Department of Transportation does hereby offer the following structures:

Two bridges, on Minnesota Trunk Highway 20, located in the city of Cannon Falls, Goodhue County, Minnesota. The bridges were both built in 1928 and span the Cannon River and the Little Cannon River. The Little Cannon River bridge is a single 80 foot span, riveted steel truss bridge, located 0.1 mile north of junction with Trunk Highway 19. The second bridge transverse the Cannon River with 3 spans, total of 240 feet, and is located 0.3 miles north of the junction with Trunk Highway 19.

Either, or both of these bridges, are offered to any state or local government agency, or responsible private entity, who might be interested in moving and rehabilitating the above listed historic bridges for preservation purposes. If several offers are received, first priority will be given to offers to relocate the entire bridge(s) in a manner and to a location which will be most likely to continue to qualify the bridge for inclusion in the National Register. A commitment must also be made to follow guidance of the Secretary of the Interior's **Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings**.

If the bridge cannot be sold, a donee will be sought to accept the bridge. In either case, the recipient can be reimbursed for costs incurred in such activities as relocation, site preparation, reassembly, rehabilitation, etc. Cost eligible for reimbursement to preserve a historic bridge cannot exceed the estimated costs of demolition of the bridge, as determined by the Minnesota Department of Transportation at \$7,500.00 for the Little Cannon River bridge and \$21,000.00 for the Cannon River bridge.

Interested parties will be required to submit specific information regarding the intended reuse of the bridge; the proposed

methods for relocation, reconstruction and rehabilitation; a budget for the project, including anticipated funding sources; and the proposed site location. In addition, the new owner(s) must enter into agreement to:

1. Accept title to the bridge,
2. Maintain the bridge and the features that provides its historical significance; and
3. Assume all future legal and financial responsibility for the bridge, including an agreement to hold the Minnesota Department of Transportation harmless in any liability action.

Interested parties should contact:

Stanley Thompson, Project Manager  
Minnesota Department of Transportation  
1500 West County Road B-2  
Roseville, MN 55113  
Tel. No. 612-582-1307

A written proposal must be submitted no later than 4:00 Friday, October 27, 1995.

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**State Grants**

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

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## **Board of Water and Soil Resources**

### **Announcement of Application Period for 1996 Natural Resources Block Grants**

The Board of Water and Soil Resources (BWSR) is accepting applications for Natural Resources Block Grants. The Natural Resources Block Grants includes the following base grant components:

- Local implementation of comprehensive water plans;
- Local administration of the Wetland Conservation Act;
- Local administration of DNR approved shoreland management programs; and
- County administration of the MPCA feedlot permit program.

The BWSR has \$5,730,000 available for these grants. To be considered, applications must be received in the BWSR Central office in Saint Paul by 4:30 PM on January 16, 1996.

County Auditors have been notified of this application period. Any other local unit of government that wishes to be notified or obtain an application packet, must contact the BWSR by writing to the executive director at the following address:

Ronald Harnack  
Executive Director  
MN Board of Water and Soil Resources  
One West Water Street  
Saint Paul, MN 55107

# Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

In accordance with *Minnesota Rules Part 1230.1910*, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612)296-2600 or [TDD (612)297-5353 and ask for 296-2600].

## Department of Children, Families and Learning

### Proposals Sought to Evaluate the Performance of Minnesota Charter Schools

The Department of Children, Families and Learning requests proposals to evaluate the performance of Minnesota charter schools. It is expected that the study would commence approximately January 1, 1996 and be completed no later than February 1, 1997. The Department has estimated the cost of the project will not exceed \$75,000.00.

#### Goal

It would be the goal of the study to address questions related to (1) are Minnesota charter schools successful, (2) are they doing what they were designed to do, and (3) are they improving student achievement?

The study should be designed to evaluate individual charter schools, the state system in which these schools operate, as well as the charter school movement in Minnesota in relation to other states.

#### Timelines

Proposals must be received by 4:00 p.m., December 5, 1995. No late proposals will be accepted.

For a complete copy of the RFP contact:

William Allen  
Project Coordinator  
947 Capitol Square Bldg.  
St. Paul, MN 55101  
612 296-4213

## Board of Investment

### Official Notice

The Minnesota State Board of Investment (MSBI) retains private money management firms to manage a portion of the pension assets and other accounts under its control. Firms interested in managing domestic stock, international stock, domestic bond or global bond portfolios for the MSBI are asked to write to the following address for additional information:

External Manager Program  
Minnesota State Board of Investment  
Suite 105 MEA Building  
55 Sherburne Avenue  
St. Paul, MN 55155

Please refer to this notice in your written request.

## Department of Transportation

### Metro Division

### Proposals Sought for Property Management Services

Proposals are sought for property management services for a 130,000 sq. ft. multi-tenant office building at 1500 W. County Rd. B-2 in Roseville by providing the customary services necessary for comfort, service and convenience of tenants including: employment of personnel, receipt of funds, payment of expenses, maintenance of records, etc.

The agency has estimated that the cost of this project need not approach, but shall not exceed estimated \$60,000/year. It is anticipated that the contract period will begin 1/1/96 and continue through 12/31/2000.

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## Professional, Technical & Consulting Contracts

For further information, or to obtain a copy of the completed Request for Proposal, contact

Carol Slipy  
1500 W. County Rd B-2  
Burnsville, MN 55113  
612/582-1354

Proposals must be received at the above address no later than 4:00 p.m. on November 22, 1995.

This request does not obligate the State of Minnesota Department of Transportation to complete the work contemplated in this notice, and the department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

## Department of Transportation

### Transportation Research and Investment Management

#### Notice of Availability of Contract for Financial Services to Evaluate TRANSMART Toll Facility Proposals

The Minnesota Department of Transportation is requesting proposals for professional financial expertise in the evaluation of TRANSMART public-private partnership toll facilities proposals. This work will involve: conducting analysis to determine the financial viability and qualification of business entities; evaluating the feasibility of user-fee based financial plans; establishing rates-of-return for infrastructure investments; and providing financial expertise in contract negotiations. The agency anticipates responders to propose fees based upon each proposal reviewed. It is anticipated that the contract period will begin February 15, 1996 and run through June 30, 1997. To obtain a copy of the complete Request for Proposal, send or fax a request to Ken Buckeye, Minnesota Department of Transportation, Phone (612) 296-1606, Fax (612) 296-3019, Room 211, MS 440, 395 John Ireland Blvd., St. Paul, MN 55155. Requests for RFP's will be received until 2 PM, December 4, 1995. Consultant proposals must be received at the above address no later than 12:00 noon on December 15, 1995.

In accordance with the provision of *Minnesota Statutes*, Section 363.073, all contracts estimated to be in excess of \$50,000, all responders having more than 20 full time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted. Your proposal will not be accepted unless it includes one of the following:

- A. A copy of your current certification of compliance with the State of Minnesota; or,
- B. A notarized letter or an affidavit certifying that your firm has not had more than 20 full-time employees at any time during the previous 12 months.

This request does not obligate the State of Minnesota Department of Transportation to complete the work contemplated in this notice, and the department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

In compliance with *Minnesota Statutes* 16B.167, the availability of this contracting opportunity is being offered to state employees. We will evaluate the responses of any state employee along with other responses to this Request for Proposal.

## Veteran's Home

### Contract Services Sought

The Minnesota Veteran's Home, Luverne, is soliciting bids for the following contract services;

Speech Therapy  
Accredited Records Technician  
Dentist  
Mental Health  
Chemical Dependency  
Attending Physician

We expect to let these contracts for a three (3) year period.

Write or call Jim Dull, Business Manager, at the Minnesota Veterans Home, P.O. Box 539, Luverne, Minnesota, 56156, Phone Number 507-283-1100, for bid information and specifications. All bids must be received by 4:30 P.M. on November 3rd, 1995.

# Non-State Public Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

## Metropolitan Council Environmental Services

### Public Notice for Letters of Interest for Professional Services

NOTICE IS HEREBY GIVEN that the Metropolitan Council Environmental Services is soliciting qualifications for professional services for the MWWTP Centrifuge Demonstration Control System (MCES Project Number 930222). This is viewed as a 10 month project to be completed by December 1, 1996. The estimated cost for services is in the range of \$100,000 to \$300,000.

The scope of the professional services includes providing the programming of four local operator stations (LOS), two data collections stations, one PLC and all necessary linkages with plant equipment, plant controls and data management to insure that the centrifuges and all auxiliary systems are being properly coordinated and controlled, and that data is being collected to properly evaluate the appropriateness and effectiveness of the centrifuge technology.

The project requires significant coordination efforts between MCES staff, the Centrifuge Vendors, the Centrifuge Demonstration Project Contractor, the Centrifuge Demonstration Project's Engineering Consultant and others to ensure that the control system programming meets the needs of the Demonstration Project as well as the ongoing needs of the Plant.

The tentative schedule for selecting a consulting firm for the MWWTP Centrifuge Demonstration Control System is as follows:

Receive Letters of Interest	October 1995
Issue Request For Qualifications (RFQ)	October 24, 1995
Receive Statement Of Qualifications (SOQ)	November 9, 1995
Shortlist firms	November 16, 1995
Issue Request for Proposals (RFP)	November 21, 1995
Receive proposals from shortlisted firms	December 14, 1995
Evaluate and rank proposals	December 21, 1995
Metropolitan Council authorization	January 25, 1996
Contract negotiated and NTP issued	Early February, 1996

All firms interested in being considered for this project are invited to send a Letter of Interest asking for the Request for Qualifications (RFQ) package.

All inquiries and submittals are to be addressed to:

Jan Bevins, Contracts and Documents  
Metropolitan Council Environmental Services  
Mears Park Centre  
230 East Fifth Street  
St. Paul, MN 55101  
(612) 229-2132

# Wild About Birds

## The DNR Bird Feeding Guide

ISBN 0-9647451-0-0

**Carrol L. Henderson**, Supervisor of the Non-Game Wildlife Program at Minnesota's Department of Natural Resources, shares his knowledge and appreciation for the natural habitats and traits of the wild birds who, with a little help from us, can thrive in spite of a rapidly changing landscape. Written in the same instructive manner as his popular books "Woodworking for Wildlife" and "Landscaping for Wildlife," **"Wild About Birds: The DNR Bird Feeding Guide"** provides techniques used by the author to double the number of species using his feeders. Includes woodshop basics for construction of 26 different feeders and tips on 44 types of food, plus detailed descriptions and photos of almost all the feeder-using species east of the Rocky Mountains - 69 in all. There's even a section on some of the unusual and unexpected wild visitors that may show up for a free meal. Over 425 color photographs, illustrations and diagrams make **"Wild About Birds"** a great reference manual, display book or gift. Ideal for the ornithologist, woodworker, or backyard birdwatcher. Spiral bound, 288 pages. **Stock Number 9-24 \$19.95**

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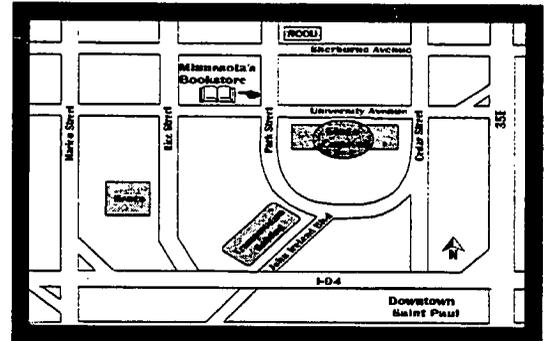
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